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12
13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15
16 State of Arizona, *ex rel.* Kristin K. Mayes,
17 Attorney General; et al.,

18 Plaintiffs,

19 v.

20 Michael D. Lansky, L.L.C., dba Avid
21 Telecom, et al.,

22 Defendants.
23

CASE NO.: 4:23-cv-00233-TUC-CKJ

**PLAINTIFF STATES' RESPONSES
AND OBJECTIONS TO
DEFENDANTS' FIRST REQUEST
FOR PRODUCTION OF
DOCUMENTS**

24
25 Plaintiff States, by and through their attorneys, and pursuant to Rule 26 and 34 of
26 the Federal Rules of Civil Procedure and the Local Rules of this Court, respond and object
27 to Defendants Michael D. Lansky, L.L.C., dba Avid Telecom, Michael D. Lansky, and
28

1 Stacey S. Reeves, (“Defendants”) First Request for Production of Documents
2 (“Request(s)”), served on December 31, 2024, as follows:

3
4 **PRELIMINARY STATEMENTS**

5 1. As used in these responses, Plaintiffs incorporate by reference the terms
6 “Lead Plaintiff States” and “State Law Action States,” as those terms are defined by
7 Defendants in Items 16 and 21 of Section II of their First Request for Production of
8 Documents. Any collective reference to “Plaintiffs” or “Plaintiff States” herein will only
9 implicate those states that comprise the combination of states in those two designations,
10 and do not refer to, represent the views of, or make assertions on behalf of, any Plaintiffs
11 in this matter that are not specifically members of either of those defined terms.

12 2. Plaintiffs’ investigation and development of all facts and circumstances
13 relating to this action is ongoing. These responses and objections are made without
14 prejudice to, and are not a waiver of, Plaintiffs’ right to rely on other facts or documents at
15 trial.

16 3. Plaintiffs’ responses to these Requests are based upon Plaintiffs’ knowledge,
17 investigation and preparation to date. Plaintiffs expressly reserve the right to supplement,
18 clarify, revise, or correct any or all of the responses and objections herein, and to assert
19 additional objections or privileges, in one or more subsequent supplemental response(s).

20 4. By making the accompanying responses and objections to Defendants’
21 Requests, Plaintiffs do not waive, and hereby expressly reserve, their right to assert any
22 and all objections as to the admissibility of such responses into evidence in this action, or
23 in any other proceedings, on any and all grounds including, but not limited to, competency,
24 relevancy, materiality, and privilege. Further, Plaintiffs make the responses and objections
25 herein without in any way implying that they consider the Requests, and responses to the
26 Requests, to be relevant or material to the subject matter of this action.

1 5. Where privileged documents are protected by applicable federal or state laws
2 or rules, the fact that Plaintiffs' response does not specifically delineate a federal or state
3 law or rule shall not be deemed to be a waiver of that privilege.

4 6. Plaintiffs will produce responsive documents only to the extent that such
5 documents are in the possession, custody, or control of the Plaintiffs, as set forth in the
6 Federal Rules of Civil Procedure. Plaintiffs' possession, custody, or control does not
7 include any constructive possession that may be conferred by Plaintiffs' right or power to
8 compel the production of documents or information from third parties or to request their
9 production from other units, departments, or divisions of the Plaintiffs or agencies of the
10 attorneys general. To the extent Defendants want discovery from any non-parties, they
11 must seek discovery pursuant to Rule 45 of the Rules of Civil Procedure.

12 7. A response to a Request stating objections and/or indicating that documents
13 will be produced shall not be construed as an indication that there are, in fact, responsive
14 documents that can be located by a reasonable search. Nor shall a response to a Request
15 stating objections and/or indicating that documents will be produced be construed as an
16 indication that Plaintiffs performed any of the acts described in the Request or its
17 Instructions, or that Plaintiffs agree to the characterization of the conduct or activities
18 contained in the Request, Definitions, and/or Instructions applicable to the Request.

19 8. Publicly available documents including, but not limited to, filings or notices
20 available on Federal Communications Communication's website, news articles, court
21 filings, and documents available on the Internet, will not be produced.

22 9. In order to expedite proceedings in this action, Plaintiffs may produce some
23 information even though Plaintiffs believe it is subject to a legitimate objection. Production
24 of any information by Plaintiffs should not be construed as waiving any rights or objections
25 that might otherwise be available to Plaintiffs.

26 10. Subject to the above statements, and the general and specific objections set
27 forth below, Plaintiffs will make documents available for inspection at Plaintiffs'
28

1 respective offices or will produce responsive, non-privileged documents, if any, pursuant
2 to a reasonable search protocol.

3 11. Plaintiffs are willing to meet and confer about any of the general and specific
4 objections made to any Request.

5
6 **GENERAL OBJECTIONS**

7 1. Plaintiffs object to Defendants' Instructions, Definitions and Requests to the
8 extent that they purport to impose any requirements or obligations greater or different from
9 those required by the Federal Rules of Civil Procedure, Local Rules of the United States
10 District Court for the District of Arizona, the Case Management Scheduling Order filed on
11 December 12, 2024 (ECF No. 102), any other orders of the Court, other common law, or
12 applicable federal or state laws.

13 2. Plaintiffs object to each Request that is overly broad, unduly burdensome,
14 not relevant, or not reasonably calculated to lead to the discovery of admissible evidence
15 or to the extent that the Request seeks information about entities, individuals and issues
16 unrelated to the issues raised in the Complaint, and is therefore not proportional to the
17 needs of the case. Plaintiffs object to each Request as overly broad and unduly burdensome
18 and therefore not proportional to the needs of the case to the extent that the Request fails
19 to include a temporal limitation.

20 3. Plaintiffs object to the Requests to the extent that they require the Plaintiffs
21 to analyze or organize factual evidence for the Defendants or the extent that the Requests
22 ask for a compilation, summary or analysis of documents or information not in existence.

23 4. Plaintiffs object to the Requests, including the Defendants' Definitions and
24 Instructions, to the extent that they request the production of documents and information
25 protected by any privilege, including but not limited to attorney-client privilege, joint
26 prosecution/common interest privilege, executive privilege, deliberative process privilege,
27 law enforcement privilege, attorney work product doctrine, and/or any other applicable
28 privilege or any statute governing the confidentiality of information. The inadvertent

1 disclosure of documents subject to any privilege or protection is not intended to relinquish,
2 and shall not be deemed a waiver of, any applicable privilege or protection. In the event
3 that any privileged information is inadvertently produced, Plaintiffs do not waive or intend
4 to waive the privilege pertaining to such information and reserves the right to demand the
5 return of any such document and all copies pursuant to any ESI Protocol or Protective
6 Order that this Court may issue.

7 5. Plaintiffs object to each Request, including Defendants' Definitions and
8 Instructions, to the extent that the documents Defendants seek are exempt or protected from
9 disclosure under a federal or state law, code, or regulation that prohibits disclosure,
10 including but not limited to state laws, codes, or regulations concerning state-specific
11 privileges or privacy.

12 6. Plaintiffs object to each Request, including Defendants' Definitions and
13 Instructions, as overly broad and unduly burdensome or duplicative and therefore not
14 proportional to the needs of the case, to the extent it seeks documents or information that
15 are readily or more accessible to Defendant from Defendants' own files, from documents
16 or information in Defendants' possession, or from documents or information that
17 Defendants previously produced to Plaintiffs. Responding to such Requests would be
18 oppressive, unduly burdensome, and unnecessarily expensive, and the burden of
19 responding to such Requests is substantially the same or less for Defendants as for
20 Plaintiffs.

21 7. Plaintiffs object to each Request to the extent that it requires the responding
22 party to marshal all of its available proof or the proof the party intends to offer at trial.

23 8. Plaintiffs object to the Requests, including the Definitions (or lack thereof)
24 and Instructions, to the extent that they fail to adequately and specifically describe the
25 subject matter sought and are overly broad, unduly burdensome, vague, ambiguous, or
26 incomprehensible and require Plaintiffs to engage in conjecture as to their meaning.

1 9. Plaintiffs object to Defendants' Requests for the production of documents
2 and information that were produced to Plaintiffs by other entities and that may contain
3 confidential, proprietary, or trade secret information.

4 10. To the extent any of Defendants' Requests seek documents that include
5 expert material, Plaintiffs object to any such Requests as premature and expressly reserve
6 the right to supplement, clarify, revise, or correct any or all responses to such Requests,
7 and to assert additional objections or privileges, in one or more subsequent supplemental
8 response(s) in accordance with the time period for exchanging expert reports set by the
9 Case Management Scheduling Order (ECF No. 102) or other orders of the Court.

10 11. Plaintiffs incorporate by reference every general objection set forth above
11 into each specific response set forth below and into every future supplement to these
12 Requests. A specific response may repeat a general objection for emphasis or some other
13 reason. The failure to include any general objection in any specific response does not waive
14 any general objection to that Request. Moreover, Plaintiffs do not waive their right to
15 amend their responses.

16
17 **OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS**

18 1. As to Instruction A, Plaintiffs object to the instruction to the extent that it
19 purports to impose any requirements or obligations greater or different from those required
20 by the Federal Rules of Civil Procedure, Local Rules of the United States District Court
21 for the District of Arizona, the Case Management Scheduling Order (ECF No. 102), any
22 other orders of the Court, other common law, or applicable federal or state laws.

23 2. As to Instruction B, Plaintiffs object to the Request to produce electronically
24 stored information ("ESI") on a DVD. Plaintiffs agree to meet and confer with Defendants
25 to establish an agreeable protocol for the production of ESI.

26 3. As to Instruction F, Plaintiffs object to the instruction to the extent that it
27 purports to impose any requirements or obligations greater than or different from those
28 required under Rule 26 of the Federal Rules of Civil Procedure, Local Rules of the United

1 States District Court for the District of Arizona, the Case Management Scheduling Order
2 (ECF No. 102), any other orders of the Court, other common law, or applicable federal or
3 state laws.

4 4. As to Definition 1, Plaintiffs object to the definition of “Actual Knowledge”
5 to the extent that it asserts a legal conclusion, misstates the law or is not exclusively
6 determinative as to each of the Plaintiffs’ causes of action. Plaintiffs’ responses to these
7 Requests are based on authorities interpreting the term “Actual Knowledge.” *See, e.g., Off.*
8 *of Att’y Gen.v. Smartbiz Telecom LLC*, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D.
9 Fla. Sept. 19, 2024) (“Defendant had actual notice of the illegal use of its network through
10 the traceback notifications and numerous complaints from suppliers. These notifications
11 provided specific information about the illegal nature of the calls and required [d]efendant
12 to locate and respond to the tracebacks, demonstrating that [d]efendant had actual
13 knowledge of the illegal use of its network.”). Plaintiffs’ responses to these Requests do
14 not constitute an acceptance of Defendants’ definition of the term “Actual Knowledge” or
15 waiver of any argument related thereto.

16 5. As to Definition 3, the definitions of “all” and “any” is overly broad, unduly
17 burdensome, and not proportional to the needs of the case to the extent that they purport to
18 require production of “All” or “any[sic]” documents.

19 6. As to Definition 5, Plaintiffs object to the definition of “Called Party” to the
20 extent that it asserts a legal conclusion, misstates the law or is not exclusively determinative
21 as to each of the Plaintiffs’ causes of action.

22 7. As to Definition 6, Plaintiffs object to the description that a “Civil Investigative
23 Demand” or “CID” means a “discovery” tool. The authority of any Plaintiff State to issue
24 a civil investigative demand varies per each state’s specific statute or rule providing
25 investigative authority to the attorneys general (or other designated officers/agencies with
26 investigative authority). Civil investigative demands are thus law enforcement-related pre-
27 suit investigative tools, as opposed to discovery issued after litigation has commenced
28 pursuant to state or federal rules of civil procedure.

1 8. As to Definitions 12, 13, 19, and 20, Plaintiffs object to the Definitions to the
2 extent that they purport to impose any requirements or obligations greater or different from
3 those required by the Federal Rules of Civil Procedure, Local Rules of the United States
4 District Court for the District of Arizona, the Case Management Scheduling Order (ECF
5 No. 102), any other orders of the Court, other common law, or applicable federal or state
6 laws.

7 9. As to Definitions 16, 21, and 25, Plaintiffs object to the Definitions to the extent
8 that they are not limited to the Persons acting within the scope of the subject matter of this
9 litigation. Plaintiffs will construe those terms to refer to the units, departments, or
10 subdivisions known to have been involved in this action or underlying investigation.

11 10. As to Definition 22, Plaintiffs object to the description that a “Subpoena” means
12 a “court issued writ” requiring a person or entity to produce documents and/or information
13 and/or to appear and to provide testimony. As with civil investigative demands, the
14 authority of any Plaintiff State to issue an investigative pre-suit subpoena varies per each
15 state’s specific statute or rule providing investigative authority to the attorneys general (or
16 other designated officers/agencies with investigative authority). The authority and
17 procedure for the issuance of subpoenas varies by state and subpoenas may or may not be
18 court issued.

19 11. As to Definition 23, the Plaintiffs object to the definition which defines
20 “Traceback” meaning “documents issued by the Industry Traceback identifying the call
21 path information of the call.” Defendants’ Requests did not reference this term. Where the
22 term is used in any of Plaintiffs’ responses to these Requests, Plaintiffs rely on the term as
23 defined in Plaintiffs’ Complaint and by USTelecom’s Industry Traceback Group. *See*
24 Complaint at ¶ 22; USTelecom, *Industry Traceback Group Policies and Procedures*, at 5
25 (revised April 2022), available at [https://tracebacks.org/wp-content/uploads/2022/04/ITG-](https://tracebacks.org/wp-content/uploads/2022/04/ITG-Policiesand-Procedures-Updated-Apr-2022.pdf)
26 [Policiesand-Procedures-Updated-Apr-2022.pdf](https://tracebacks.org/wp-content/uploads/2022/04/ITG-Policiesand-Procedures-Updated-Apr-2022.pdf).

27 12. As to Definition 25, the Plaintiffs object to the definition of “You” and “your”
28 to mean Southwestern Bell.

1 13. Plaintiffs object to Defendants’ failure to define “illegal,” and object to any
 2 Request that requires Plaintiffs to ascertain the meaning of the term, calls for legal
 3 conclusions, seeks to have Plaintiffs to undertake legal research for Defendants, or analyze
 4 or organize factual evidence for Defendants.

5 6 **OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS**

7 **Document Request 1:**

8 Please produce all **Civil Investigative Demands** issued by any **Lead Plaintiff State**
 9 to any **Person** that refers to or relates to any Defendant and/or the telecommunications
 10 services provided by any Defendant.

11 **Response:**

12 Plaintiffs object to the Request as “telecommunications services” is not a defined
 13 term. The use of the term is vague, ambiguous and may mischaracterize the services
 14 provided by the Defendants.

15 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
 16 broad and unduly burdensome, calling for information beyond the scope of any claim or
 17 defense in this matter or reasonably calculated to lead to the discovery of admissible
 18 evidence. This request is not reasonably limited in scope in relation to the subject matter
 19 of this case and calls for irrelevant information that would be unduly burdensome to
 20 produce.

21 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
 22 burdensome, as it purports to call for information that is not relevant to any claim or defense
 23 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
 24 Plaintiffs define “relating to” to mean “directly concerning.”

25 Plaintiffs object to Defendants’ definition of “Civil Investigative Demand” or
 26 “CID” as a “discovery” tool. The authority of any responding Plaintiff to issue a civil
 27 investigative demand varies per each state’s specific statute or rule providing investigative
 28 authority to the attorneys general (or other designated officers/agencies with investigative

1 authority). Civil investigative demands are thus law enforcement-related pre-suit
2 investigative tools, as opposed to discovery issued after litigation has commenced pursuant
3 to state or federal rules of civil procedure.

4 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
5 within the scope of the subject matter of this litigation.

6 Plaintiffs object to the Request as overly broad and unduly burdensome and
7 therefore not proportional to the needs of the case to the extent that the Request fails to
8 include a temporal limitation.

9 Plaintiffs object to the Request to the extent that the Request seeks documents
10 already in the custody or control of the Defendants.

11 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
12 in this litigation pursuant to the foregoing objections.

13 Subject to and without waiving the Preliminary Statements, General Objections, and
14 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
15 and relevant responsive documents that have not been previously produced or filed with
16 the District Court and that can be located through a reasonable search of the documents in
17 their possession, custody, or control.

18
19 **Document Request 2:**

20 Please produce all **Documents** that refer to, relate to or constitute notice by any
21 **Lead Plaintiff State** to any Defendant that a **Civil Investigative Demand** seeking
22 documents that refer to or relate to any Defendant was to be or had been issued.

23 **Response:**

24 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
25 broad and unduly burdensome.

26 Plaintiffs object to the term “refer or relate to” as overly broad and unduly
27 burdensome, as it purports to call for information that is not relevant to any claim or defense
28

1 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
2 Plaintiffs define “relating to” to mean “directly concerning.”

3 Plaintiffs object to Defendants’ definition of “Civil Investigative Demand” or
4 “CID” as a “discovery” tool. The authority of any responding Plaintiff to issue a civil
5 investigative demand varies per each state’s specific statute or rule providing investigative
6 authority to the attorneys general (or other designated officers/agencies with investigative
7 authority). Civil investigative demands are thus law enforcement-related pre-suit
8 investigative tools, as opposed to discovery issued after litigation has commenced pursuant
9 to state or federal rules of civil procedure.

10 Plaintiffs object to the Request as overly broad and unduly burdensome and
11 therefore not proportional to the needs of the case to the extent that the Request fails to
12 provide a temporal limitation, requesting records outside the scope of this litigation.
13 Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

14 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
15 within the scope of the subject matter of this litigation.

16 Plaintiffs object to this Request because materials that constitute notice to any
17 Defendant that a Civil Investigation Demand is to be issued are not relevant to any claim
18 or defense in this matter or reasonably calculated to lead to the discovery of admissible
19 evidence.

20 Plaintiffs object to this Request to the extent it seeks any internal materials
21 concerning internal deliberations and communications with other law enforcement
22 regarding the issuance of Civil Investigation Demands because such information concerns
23 legal conclusions are protected opinion work product and protected by the attorney work
24 product privilege, joint prosecution/common interest privilege, and law enforcement
25 prosecutorial privilege.

26 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
27 in this litigation pursuant to the foregoing objections.
28

1 Subject to and without waiving the Preliminary Statements, General Objections, and
2 specific objections, the responding Plaintiffs have no responsive documents as the statute
3 or rules under which civil investigative demands were issued have no general or specific
4 requirements to provide any type of notice to the Person that is the subject of the demand.

5
6 **Document Request 3:**

7 Please produce all **Documents** that were produced or otherwise provided by any
8 third party in response a **Civil Investigative Demand** issued by any **Lead Plaintiff State**
9 that refers to or relates to any Defendant and/or the telecommunications services provided
10 by any Defendant.

11 **Response:**

12 Plaintiffs object to the Request, as “telecommunications services” is not a defined
13 term. The use of the term is vague, ambiguous and may mischaracterize the services
14 provided by the Defendants.

15 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
16 broad and unduly burdensome.

17 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
18 burdensome, as it purports to call for information that is not relevant to any claim or defense
19 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
20 Plaintiffs define “relating to” to mean “directly concerning.”

21 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
22 within the scope of the subject matter of this litigation.

23 Plaintiffs object to Defendants’ definition of “Civil Investigative Demand” or
24 “CID” as a “discovery” tool. The authority of any responding State to issue a civil
25 investigative demand varies per each state’s specific statute or rule providing investigative
26 authority to the attorneys general (or other designated officers/agencies with investigative
27 authority). Civil investigative demands are thus law enforcement-related pre-suit
28

1 investigative tools, as opposed to discovery issued after litigation has commenced pursuant
2 to state or federal rules of civil procedure.

3 Plaintiffs object to the Request as overly broad and unduly burdensome and
4 therefore not proportional to the needs of the case to the extent that the Request fails to
5 provide a temporal limitation, requesting records outside the scope of this litigation.

6 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
7 in this litigation pursuant to the foregoing objections.

8 Subject to and without waiving the Preliminary Statements, General Objections, and
9 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
10 and relevant responsive documents that have not been previously produced or filed with
11 the District Court and that can be located through a reasonable search of the documents in
12 their possession, custody, or control within a reasonable time following entry of a
13 protective order.

14
15 **Document Request 4:**

16 Please produce all **Civil Investigative Demands** issued by any **State Law Action**
17 **State** to any **Person** that refers to or relates to any Defendant and/or the
18 telecommunications services provided by any Defendant.

19 **Response:**

20 Plaintiffs object to the Request as “telecommunications services” is not a defined
21 term. The use of the term is vague, ambiguous and may mischaracterize the services
22 provided by the Defendants.

23 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
24 broad and unduly burdensome, calling for information beyond the scope of any claim or
25 defense in this matter or reasonably calculated to lead to the discover of admissible
26 evidence. This request is not reasonably limited in scope in relation to the subject matter
27 of this case and calls for irrelevant information that would be unduly burdensome to
28 produce.

1 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
2 burdensome, as it purports to call for information that is not relevant to any claim or defense
3 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
4 Plaintiffs define “relating to” to mean “directly concerning.”

5 Plaintiffs object to Defendants’ definition of “Civil Investigative Demand” or
6 “CID” as a “discovery” tool. The authority of any responding State to issue a civil
7 investigative demand varies per each state’s specific statute or rule providing investigative
8 authority to the attorneys general (or other designated officers/agencies with investigative
9 authority). Civil investigative demands are thus law enforcement-related pre-suit
10 investigative tools, as opposed to discovery issued after litigation has commenced pursuant
11 to the state or federal rules of civil procedure.

12 Plaintiffs object to extent that “State Law Action States” is not limited to Persons
13 acting within the scope of the subject matter of this litigation.

14 Plaintiffs object to the Request to the extent that the Request seeks documents
15 already in the custody or control of the Defendants.

16 Plaintiffs object to the Request as overly broad and unduly burdensome and
17 therefore not proportional to the needs of the case to the extent that the Request fails to
18 include a temporal limitation.

19 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
20 in this litigation pursuant to the foregoing objections.

21 Subject to and without waiving the Preliminary Statements, General Objections, and
22 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
23 and relevant responsive documents that have not been previously produced or filed with
24 the District Court and that can be located through a reasonable search of the documents in
25 their possession, custody, or control.

Document Request 5:

Please produce all **Documents** that refer to, relate to or constitute notice by any **State Law Action State** to any Defendant that a **Civil Investigative Demands** seeking documents that refer to or relate to any Defendant was to be or had been issued.

Response:

Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly broad and unduly burdensome.

Plaintiffs object to the term “refer to, relate to or constitute” as overly broad and unduly burdensome, as it purports to call for information that is not relevant to any claim or defense in this matter or reasonably calculated to lead to the discovery of admissible evidence. Plaintiff defines “relating to” to mean “directly concerning.”

Plaintiffs object to Defendants’ definition of “Civil Investigative Demand” or “CID” as a “discovery” tool. The authority of any responding State to issue a civil investigative demand varies per each state’s specific statute or rule providing investigative authority to the attorneys general (or other designated officers/agencies with investigative authority). Civil investigative demands are thus law enforcement-related pre-suit investigative tools, as opposed to discovery issued after litigation has commenced pursuant to state or federal rules of civil procedure.

Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

Plaintiffs object to extent that “State Law Action State” is not limited to Persons acting within the scope of the subject matter of this litigation.

Plaintiffs object to this Request because materials that constitute notice to any Defendant that a Civil Investigation Demand is to be issued are not relevant to any claim or defense in this matter nor is it reasonably calculated to lead to the discovery of admissible evidence.

Plaintiffs object to this Request to the extent it seeks any internal materials concerning internal deliberations and communications with other law enforcement regarding the issuance of Civil Investigation Demands because such information concerns

1 legal conclusions are protected opinion work product and protected by the attorney work
2 product privilege, joint prosecution/common interest privilege, and law enforcement
3 prosecutorial privilege.

4 Plaintiffs object to the Request as overly broad and unduly burdensome and
5 therefore not proportional to the needs of the case to the extent that the Request fails to
6 include a temporal limitation, requesting records outside the scope of this litigation.

7 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
8 in this litigation pursuant to the foregoing objections.

9 Subject to and without waiving the Preliminary Statements, General Objections, and
10 specific objections, the responding Plaintiffs have no responsive documents as the statute
11 or rules under which civil investigative demands were issued have no general or specific
12 requirements to provide any type of notice to the Person that is the subject of the demand.

13
14 **Document Request 6:**

15 Please produce all **Documents** that were produced or otherwise provided by any
16 third party in response a **Civil Investigative Demand** issued by any **State Law Action**
17 **State** that refers to or relates to any Defendant and/or the telecommunications services
18 provided by any Defendant.

19 **Response:**

20 Plaintiffs object to the Request, as “telecommunications services” is not a defined
21 term. The use of the term is vague, ambiguous and may mischaracterize the services
22 provided by the Defendants.

23 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
24 broad and unduly burdensome.

25 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
26 burdensome, as it purports to call for information that is not relevant to any claim or defense
27 in this matter or reasonably calculated to lead to the discovery of admissible evidence.

28 Plaintiffs define “relating to” to mean “directly concerning.”

1 Plaintiffs object to Defendants' definition of "Civil Investigative Demand" or
2 "CID" as a "discovery" tool. The authority of any responding State to issue a civil
3 investigative demand varies per each state's specific statute or rule providing investigative
4 authority to the attorneys general (or other designated officers/agencies with investigative
5 authority). Civil investigative demands are thus law enforcement-related pre-suit
6 investigative tools, as opposed to discovery issued after litigation has commenced pursuant
7 to state or federal rules of civil procedure.

8 Plaintiffs object to extent that "State Law Action States" is not limited to Persons
9 acting within the scope of the subject matter of this litigation.

10 Plaintiffs object to the Request as overly broad and unduly burdensome and
11 therefore not proportional to the needs of the case to the extent that the Request fails to
12 provide a temporal limitation, requesting records outside the scope of this litigation.

13 Plaintiffs object to the Request as "constitute notice" is vague and ambiguous.

14 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
15 in this litigation pursuant to the foregoing objections.

16 Subject to and without waiving the Preliminary Statements, General Objections, and
17 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
18 and relevant responsive documents that have not been previously produced or filed with
19 the District Court and that can be located through a reasonable search of the documents in
20 their possession, custody, or control within a reasonable time following entry of a
21 protective order.

22
23 **Document Request 7:**

24 Please produce all subpoenas issued by any **Lead Plaintiff State** that refers to or
25 relates to any Defendant and/or the telecommunications services provided by any
26 Defendant.

27 **Response:**
28

1 Plaintiffs object to the Request as “telecommunications services” is not a defined
2 term. The use of the term is vague, ambiguous and may mischaracterize the services
3 provided by the Defendants.

4 Plaintiffs object to the Request to the extent that Defendants define “Subpoena” as
5 a “court issued writ” requiring a person or entity to produce documents and/or information
6 and/or to appear and to provide testimony. The authority of any responding Plaintiff to
7 issue an investigative pre-suit subpoena varies per each state’s specific statute or rule
8 providing investigative authority to the attorneys general (or other designated
9 officers/agencies with investigative authority). The authority and procedure for the
10 issuance of subpoenas varies by state and subpoenas may or may not be court issued.

11 Plaintiffs object to the Request as overly broad and unduly burdensome and
12 therefore not proportional to the needs of the case to the extent that the Request fails to
13 include a temporal limitation.

14 Plaintiffs object to the Request to the extent that the Request seeks documents
15 already in the custody or control of the Defendants.

16 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
17 in this litigation pursuant to the foregoing objections.

18 Subject to and without waiving the Preliminary Statements, General Objections, and
19 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
20 and relevant responsive documents that have not been previously produced or filed with
21 the District Court and that can be located through a reasonable search of the documents in
22 their possession, custody, or control.

23
24 **Document Request 8:**

25 Please produce all **Documents** that refer to, relate to or constitute notice by any
26 **Lead Plaintiff State** to any Defendant that a subpoena seeking testimony and/or
27 documents that refer to or relate to any Defendant was to be or had been issued.

28 **Response:**

1 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
2 broad and unduly burdensome.

3 Plaintiffs object to the term “refer to, relate to or constitute” as overly broad and
4 unduly burdensome, as it purports to call for information that is not relevant to any claim
5 or defense in this matter or reasonably calculated to lead to the discovery of admissible
6 evidence. Plaintiffs define “relating to” to mean “directly concerning.”

7 Plaintiffs object to the Request to the extent that Defendants define “Subpoena” as
8 a “court issued writ” requiring a person or entity to produce documents and/or information
9 and/or to appear and to provide testimony. The authority of any responding Plaintiff to
10 issue an investigative pre-suit subpoena varies per each state’s specific statute or rule
11 providing investigative authority to the attorneys general (or other designated
12 officers/agencies with investigative authority). The authority and procedure for the
13 issuance of subpoenas varies by state and subpoenas may or may not be court issued.

14 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
15 broad and unduly burdensome, calling for information beyond the scope of any claim or
16 defense in this matter or reasonably calculated to lead to the discover of admissible
17 evidence. This request is not reasonably limited in scope in relation to the subject matter
18 of this case and calls for irrelevant information that would be unduly burdensome to
19 produce.

20 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
21 burdensome, as it purports to call for information that is not relevant to any claim or defense
22 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
23 Plaintiffs define “relating to” to mean “directly concerning.”

24 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
25 within the scope of the subject matter of this litigation.

26 Plaintiffs object to this Request because materials that constitute notice to any
27 Defendant that a Subpoena is to be issued are not relevant to any claim or defense in this
28 matter nor are they reasonably calculated to lead to the discovery of admissible evidence.

1 Plaintiffs object to this Request to the extent it seeks any internal materials
2 concerning internal deliberations and communications with other law enforcement
3 regarding the issuance of Subpoenas because such information concerns legal conclusions
4 are protected opinion work product and protected by the attorney work product privilege,
5 joint prosecution/common interest privilege, and law enforcement prosecutorial privilege.

6 Plaintiffs object to the Request as overly broad and unduly burdensome and
7 therefore not proportional to the needs of the case to the extent that the Request fails to
8 provide a temporal limitation, requesting records outside the scope of this litigation.

9 Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

10 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
11 within the scope of the subject matter of this litigation.

12 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
13 in this litigation pursuant to the foregoing objections.

14 Subject to and without waiving the Preliminary Statements, General Objections, and
15 specific objections, the responding Plaintiffs have no responsive documents as the statute
16 or rules under which subpoenas were issued have no general or specific requirements to
17 provide any type of notice to the Person that is the subject of the demand.

18
19 **Document Request 9:**

20 Please produce all **Documents** that were produced or otherwise provided by any
21 third party in response to any subpoena issued by any **Lead Plaintiff State** that refers to
22 or relates to any Defendant and/or the telecommunications services provided by any
23 Defendant.

24 **Response:**

25 Plaintiffs object to the Request, as “telecommunications services” is not a defined
26 term. The use of the term is vague, ambiguous and may mischaracterize the services
27 provided by the Defendants.

1 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
2 broad and unduly burdensome.

3 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
4 burdensome, as it purports to call for information that is not relevant to any claim or defense
5 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
6 Plaintiffs define “relating to” to mean “directly concerning.”

7 Plaintiffs object to the Request to the extent that Defendants define “Subpoena” as
8 a “court issued writ” requiring a person or entity to produce documents and/or information
9 and/or to appear and to provide testimony. The authority of any responding Plaintiff to
10 issue an investigative pre-suit subpoena varies per each state’s specific statute or rule
11 providing investigative authority to the attorneys general (or other designated
12 officers/agencies with investigative authority). The authority and procedure for the
13 issuance of subpoenas varies by state and subpoenas may or may not be “court issued.”

14 Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

15 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
16 within the scope of the subject matter of this litigation.

17 Plaintiffs object to the Request as overly broad and unduly burdensome and
18 therefore not proportional to the needs of the case to the extent that the Request fails to
19 provide a temporal limitation, requesting records outside the scope of this litigation.

20 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
21 in this litigation pursuant to the foregoing objections.

22 Subject to and without waiving the Preliminary Statements, General Objections, and
23 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
24 and relevant responsive documents that have not been previously produced or filed with
25 the District Court and that can be located through a reasonable search of the documents in
26 their possession, custody, or control within a reasonable time following entry of a
27 protective order.

1 **Document Request 10:**

2 Please produce the transcripts of all testimony that was provided by any third party
3 in response to any subpoena issued by any **Lead Plaintiff State** that refers to or relates to
4 any Defendant and/or the telecommunications services provided by any Defendant.

5 **Response:**

6 Plaintiffs object to the Request as “telecommunications services” is not a defined
7 term. The use of the term is vague, ambiguous and may mischaracterize the services
8 provided by the Defendants.

9 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
10 broad and unduly burdensome.

11 Plaintiffs object to the Request to the extent that Defendants define “Subpoena” as
12 a “court issued writ” requiring a person or entity to produce documents and/or information
13 and/or to appear and to provide testimony. The authority of any responding Plaintiff to
14 issue an investigative pre-suit subpoena varies per each state’s specific statute or rule
15 providing investigative authority to the attorneys general (or other designated
16 officers/agencies with investigative authority). The authority and procedure for the
17 issuance of subpoenas varies by state and subpoenas may or may not be court issued.

18 Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

19 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
20 burdensome, as it purports to call for information that is not relevant to any claim or defense
21 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
22 Plaintiffs define “relating to” to mean “directly concerning.”

23 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
24 within the scope of the subject matter of this litigation.

25 Plaintiffs object to the Request as overly broad and unduly burdensome and
26 therefore not proportional to the needs of the case to the extent that the Request fails to
27 provide a temporal limitation, requesting records outside the scope of this litigation.

1 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
2 in this litigation pursuant to the foregoing objections.

3 Subject to and without waiving the Preliminary Statements, General Objections, and
4 specific objections, the responding Plaintiffs respond that there are no responsive
5 documents.

6
7 **Document Request 11:**

8 Please produce all subpoenas issued by any **State Law Action State** that refers to
9 or relates to any Defendant and/or the telecommunications services provided by any
10 Defendant.

11 **Response:**

12 Plaintiffs object to the Request as “telecommunications services” is not a defined
13 term. The use of the term is vague, ambiguous and may mischaracterize the services
14 provided by the Defendants.

15 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
16 broad and unduly burdensome, calling for information beyond the scope of any claim or
17 defense in this matter or reasonably calculated to lead to the discover of admissible
18 evidence. This Request is not reasonably limited in scope in relation to the subject matter
19 of this case and calls for irrelevant information that would be unduly burdensome to
20 produce.

21 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
22 burdensome, as it purports to call for information that is not relevant to any claim or defense
23 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
24 Plaintiffs define “relating to” to mean “directly concerning.”

25 Plaintiffs object to the Request to the extent that Defendants define “Subpoena” as
26 a “court issued writ” requiring a person or entity to produce documents and/or information
27 and/or to appear and to provide testimony. The authority of any responding Plaintiff to
28 issue an investigative pre-suit subpoena varies per each state’s specific statute or rule

1 providing investigative authority to the attorneys general (or other designated
2 officers/agencies with investigative authority). The authority and procedure for the
3 issuance of subpoenas varies by state and subpoenas may or may not be court issued.

4 Plaintiffs object to extent that “State Law Action State” is not limited to Persons
5 acting within the scope of the subject matter of this litigation.

6 Plaintiffs object to the Request as overly broad and unduly burdensome and
7 therefore not proportional to the needs of the case to the extent that the Request fails to
8 include a temporal limitation.

9 Plaintiffs object to the Request to the extent that the Request seeks documents
10 already in the custody or control of the Defendants.

11 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
12 in this litigation pursuant to the foregoing objections.

13 Subject to and without waiving the Preliminary Statements, General Objections, and
14 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
15 and relevant responsive documents that have not been previously produced or filed with
16 the District Court and that can be located through a reasonable search of the documents in
17 their possession, custody, or control.

18
19 **Document Request 12:**

20 Please produce all Documents that refer to, relate to or constitute notice by any **State**
21 **Law Action State** to any Defendant that a subpoena seeking testimony and/or documents
22 that refer to or relate to any Defendant was to be or had been issued.

23 **Response:**

24 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
25 broad and unduly burdensome.

26 Plaintiffs object to the term “refer to, relate to or constitute” as overly broad and
27 unduly burdensome, as it purports to call for information that is not relevant to any claim
28

1 or defense in this matter or reasonably calculated to lead to the discovery of admissible
2 evidence. Plaintiffs define “relating to” to mean “directly concerning.”

3 Plaintiffs object to the Request to the extent that Defendants define “Subpoena” as
4 a “court issued writ” requiring a person or entity to produce documents and/or information
5 and/or to appear and to provide testimony. The authority of any responding Plaintiff to
6 issue an investigative pre-suit subpoena varies per each state’s specific statute or rule
7 providing investigative authority to the attorneys general (or other designated
8 officers/agencies with investigative authority). The authority and procedure for the
9 issuance of subpoenas varies by state and subpoenas may or may not be court issued.

10 Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

11 Plaintiffs object to extent that “State Law Action State” is not limited to Persons
12 acting within the scope of the subject matter of this litigation.

13 Plaintiffs object because materials that constitute notice to any Defendant that a
14 Subpoena is to be issued are not relevant to any claim or defense in this matter or
15 reasonably calculated to lead to the discovery of admissible evidence.

16 Plaintiffs object to this Request to the extent it seeks any internal materials
17 concerning internal deliberations and communications with other law enforcement
18 regarding the issuance of Subpoenas because such information concerns legal conclusions
19 are protected opinion work product and protected by the attorney work product privilege,
20 joint prosecution/common interest privilege, and law enforcement prosecutorial privilege.

21 Plaintiffs object to the Request as overly broad and unduly burdensome and
22 therefore not proportional to the needs of the case to the extent that the Request fails to
23 provide a temporal limitation, requesting records outside the scope of this litigation.

24 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
25 in this litigation pursuant to the foregoing objections.

26 Subject to and without waiving the Preliminary Statements, General Objections, and
27 specific objections, the responding Plaintiffs have no responsive documents as the statute
28

1 or rules under which subpoenas were issued have no general or specific requirements to
2 provide any type of notice to the Person that is the subject of the demand.

3
4 **Document Request 13:**

5 Please produce all Documents that were produced or otherwise provided by any
6 third party in response to any subpoena issued by any **State Law Action State** that refers
7 to or relates to any Defendant and/or the telecommunications services provided by any
8 Defendant.

9 **Response:**

10 Plaintiffs object to the Request, as “telecommunications services” is not a defined
11 term. The use of the term is vague, ambiguous and may mischaracterize the services
12 provided by the Defendants.

13 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
14 broad and unduly burdensome.

15 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
16 burdensome, as it purports to call for information that is not relevant to any claim or defense
17 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
18 Plaintiff defines “relating to” to mean “directly concerning.”

19 Plaintiffs object to the Request to the extent that Defendants define “Subpoena” as
20 a “court issued writ” requiring a person or entity to produce documents and/or information
21 and/or to appear and to provide testimony. The authority of any responding Plaintiff to
22 issue an investigative pre-suit subpoena varies per each state’s specific statute or rule
23 providing investigative authority to the attorneys general (or other designated
24 officers/agencies with investigative authority). The authority and procedure for the
25 issuance of subpoenas varies by state and subpoenas may or may not be “court issued.”

26 Plaintiffs object to extent that “State Law Action States” is not limited to Persons
27 acting within the scope of the subject matter of this litigation.

28

1 Plaintiffs object to the Request as overly broad and unduly burdensome and
2 therefore not proportional to the needs of the case to the extent that the Request fails to
3 provide a temporal limitation, requesting records outside the scope of this litigation.

4 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
5 in this litigation pursuant to the foregoing objections.

6 Subject to and without waiving the Preliminary Statements, General Objections, and
7 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
8 and relevant responsive documents that have not been previously produced or filed with
9 the District Court and that can be located through a reasonable search of the documents in
10 their possession, custody, or control within a reasonable time following entry of a
11 protective order.

12
13 **Document Request 14:**

14 Please produce the transcripts of all testimony that was provided by any third party
15 in response to any subpoena issued by any **State Law Action State** that refers to or relates
16 to any Defendant and/or the telecommunications services provided by any Defendant.

17 **Response:**

18 Plaintiffs object to the Request as “telecommunications services” is not a defined
19 term. The use of the term is vague, ambiguous and may mischaracterize the services
20 provided by the Defendants.

21 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
22 broad and unduly burdensome.

23 Plaintiffs object to the term “refers to or relates to” as overly broad and unduly
24 burdensome, as it purports to call for information that is not relevant to any claim or defense
25 in this matter or reasonably calculated to lead to the discovery of admissible evidence.
26 Plaintiffs define “refers to” to mean “directly concerning.”

27 Plaintiffs object to extent that “State Law Action State” is not limited to Persons
28 acting within the scope of the subject matter of this litigation.

1 Plaintiffs object to the Request to the extent that Defendants define “Subpoena” as
2 a “court issued writ” requiring a person or entity to produce documents and/or information
3 and/or to appear and to provide testimony. The authority of any responding Plaintiff to
4 issue an investigative pre-suit subpoena varies per each state’s specific statute or rule
5 providing investigative authority to the attorneys general (or other designated
6 officers/agencies with investigative authority). The authority and procedure for the
7 issuance of subpoenas varies by state and subpoenas may or may not be court issued.

8 Plaintiffs object to the Request as overly broad and unduly burdensome and
9 therefore not proportional to the needs of the case to the extent that the Request fails to
10 provide a temporal limitation, requesting records outside the scope of this litigation.

11 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
12 in this litigation pursuant to the foregoing objections.

13 Subject to and without waiving the Preliminary Statements, General Objections, and
14 specific objections, the responding Plaintiffs respond that there are no responsive
15 documents.

16
17 **Document Request 15:**

18 Please produce all **Documents** that refer to, relate to or constitute a request by any
19 **Lead Plaintiff State** to any judicial authority for a wiretap of any communications device
20 (wired, wireless or internet-based) associated with any Defendant and/or any attorney
21 representing any Defendant. Where a wiretap has been placed, please produce a complete
22 copy the authorizing court order as well as all content recorded via the wiretap.

23 **Response:**

24 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
25 broad and unduly burdensome.

26 Plaintiffs object to the use of the terms “refer to, relate to or constitute” as overly
27 broad and unduly burdensome, as it purports to call for information that is not relevant to
28

1 any claim or defense in this matter or reasonably calculated to lead to the discovery of
2 admissible evidence.

3 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
4 within the scope of the subject matter of this litigation.

5 Plaintiffs object to the use “wiretap,” “communications device,” “wired,”
6 “wireless,” and “internet based” as those are not defined terms. The use of those terms is
7 vague and ambiguous.

8 Plaintiffs object to the Request as overly broad and unduly burdensome and
9 therefore not proportional to the needs of the case to the extent that the Request fails to
10 provide a temporal limitation, requesting records outside the scope of this litigation.

11 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
12 in this litigation pursuant to the foregoing objections.

13 Subject to and without waiving the Preliminary Statements, General Objections, and
14 specific objections, the responding Plaintiffs respond that there are no responsive
15 documents.

16
17 **Document Request 16:**

18 Please produce all **Documents** that refer to, relate to or constitute notice by any
19 **Lead Plaintiff State** to any Defendant that a wiretap of any Defendant communications
20 device (wired, wireless or internet-based) was to be or had been requested and/or issued.

21 **Response:**

22 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
23 broad and unduly burdensome.

24 Plaintiffs object to the use of the term “refer to, relate to or constitute” as overly
25 broad and unduly burdensome, as it purports to call for information that is not relevant to
26 any claim or defense in this matter or reasonably calculated to lead to the discovery of
27 admissible evidence.

1 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
2 within the scope of the subject matter of this litigation.

3 Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

4 Plaintiffs object to the use “wiretap,” “communications device,” “wired,”
5 “wireless,” and “internet based” as those are not defined terms. The use of those terms is
6 vague and ambiguous.

7 Plaintiffs object to the Request as overly broad and unduly burdensome and
8 therefore not proportional to the needs of the case to the extent that the Request fails to
9 provide a temporal limitation, requesting records outside the scope of this litigation.

10 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
11 in this litigation pursuant to the foregoing objections.

12 Subject to and without waiving the Preliminary Statements, General Objections, and
13 specific objections, the responding Plaintiffs respond that there are no responsive
14 documents.

15
16 **Document Request 17:**

17 Please produce all **Documents** that refer to, relate to or constitute a request by any
18 **State Law Action State** to any judicial authority for a wiretap of any communications
19 device (wired, wireless or internet-based) associated with any Defendant and/or any
20 attorney representing any Defendant. Where a wiretap has been placed, please produce a
21 complete copy the authorizing court order as well as all content recorded via the wiretap.

22 **Response:**

23 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
24 broad and unduly burdensome.

25 Plaintiffs object to the use of the term “refer to, relate to or constitute” as overly
26 broad and unduly burdensome, as it purports to call for information that is not relevant to
27 any claim or defense in this matter or reasonably calculated to lead to the discovery of
28 admissible evidence.

1 Plaintiffs object to the use “wiretap,” “communications device,” “wired,”
2 “wireless,” and “internet based” as those are not defined terms. The use of those terms is
3 vague and ambiguous.

4 Plaintiffs object to extent that “State Law Action States” is not limited to Persons
5 acting within the scope of the subject matter of this litigation.

6 Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

7 Plaintiffs object to the Request as overly broad and unduly burdensome and
8 therefore not proportional to the needs of the case to the extent that the Request fails to
9 provide a temporal limitation, requesting records outside the scope of this litigation

10 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
11 in this litigation pursuant to the foregoing objections.

12 Subject to and without waiving the Preliminary Statements, General Objections, and
13 specific objections, the responding Plaintiffs respond that there are no responsive
14 documents.

15
16 **Document Request 18:**

17 Please produce all **Documents** that refer to, relate to or constitute notice by any
18 **State Law Action State** to any Defendant that a wiretap of any Defendant communications
19 device (wired, wireless or internet-based) was to be or had been requested and/or issued.

20 **Response:**

21 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
22 broad and unduly burdensome.

23 Plaintiffs object to the use of the term “refer to, relate to or constitute” as overly
24 broad and unduly burdensome, as it purports to call for information that is not relevant to
25 any claim or defense in this matter or reasonably calculated to lead to the discovery of
26 admissible evidence.

1 Plaintiffs object to the use “wiretap,” “communications device,” “wired,”
2 “wireless,” and “internet based” as those are not defined terms. The use of those terms is
3 vague and ambiguous.

4 Plaintiffs object to extent that “State Law Action State” is not limited to Persons
5 acting within the scope of the subject matter of this litigation.

6 Plaintiffs object to the Request as “constitute notice” is vague and ambiguous.

7 Plaintiffs object to the Request as overly broad and unduly burdensome and
8 therefore not proportional to the needs of the case to the extent that the Request fails to
9 provide a temporal limitation, requesting records outside the scope of this litigation

10 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
11 in this litigation pursuant to the foregoing objections.

12 Subject to and without waiving the Preliminary Statements, General Objections, and
13 specific objections, the responding Plaintiffs respond that there are no responsive
14 documents.

15
16 **Document Request 19:**

17 Please produce all Documents, including without limitation, **Call Detail Records**
18 **(aka “CDRs”)**, switch records, server records that contain data associated with calls
19 transited by Avid Telecom obtained from any third party by the **Lead State Plaintiffs**.

20 **Response:**

21 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
22 broad and unduly burdensome.

23 Plaintiffs object to the use of the terms “Call Detail Records (aka “CDRs”), switch
24 records, server records” as vague and ambiguous.

25 Plaintiffs object to the use of the term “data” as vague and ambiguous. The term is
26 also overly broad and unduly burdensome, requesting records outside the scope of this
27 litigation.

1 Plaintiffs object to extent that “Lead State Plaintiffs” is not limited to Persons acting
2 within the scope of the subject matter of this litigation.

3 Plaintiffs object to the Request as overly broad and unduly burdensome and
4 therefore not proportional to the needs of the case to the extent that the Request fails to
5 provide a temporal limitation, requesting records outside the scope of this litigation.

6 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
7 in this litigation pursuant to the foregoing objections.

8 Subject to and without waiving the Preliminary Statements, General Objections, and
9 specific objections, the Lead Plaintiff States will produce responsive documents within a
10 reasonable time following the entry of a protective order and ESI protocol.

11
12 **Document Request 20:**

13 Please produce all **Documents**, including without limitation, **Call Detail Records**
14 **(aka “CDRs”)**, switch records, server records, sufficient to identify, by originating and
15 terminating telephone number, *each and every call* that the **Lead Plaintiff States** allege
16 was an illegal under federal law. With respect to each and every call, the Documents
17 produced must include Documents sufficient to identify the Person from whom the Call
18 Data was obtained.

19 **Response:**

20 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
21 unduly burdensome.

22 Plaintiffs object to the use of the terms “Call Detail Records (aka “CDRs”), switch
23 records, server records” as vague and ambiguous.

24 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
25 within the scope of the subject matter of this litigation.

26 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
27 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
28

1 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
2 factual evidence for Defendants.

3 Plaintiffs object to the Request as overly broad and unduly burdensome and
4 therefore not proportional to the needs of the case to the extent that it fails to provide a
5 temporal limitation, requesting records outside the scope of this litigation.

6 Plaintiffs object to the Request to the extent that it requires the Plaintiffs to analyze
7 or organize factual evidence for the Defendants or the extent that it asks for a compilation,
8 summary or analysis of documents or information not in existence.

9 Plaintiffs object to the Request to the extent that the Plaintiffs' investigation and
10 development of facts relating to this action is ongoing. Plaintiffs' response is based upon
11 Plaintiffs' knowledge, investigation and preparation to date.

12 The responding Plaintiffs further object to this Request to the extent that it calls for
13 information or analysis that is not yet complete and that is information that is properly the
14 subject of expert discovery. The disclosure and production of expert reports and other
15 expert-related materials will occur in accordance with Rule 26 and the dates set forth in the
16 Case Management Scheduling Order (ECF No. 102).

17 Subject to and without waiving the Preliminary Statements, General Objections, and
18 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
19 and relevant responsive documents that have not been previously produced or filed with
20 the District Court and that can be located through a reasonable search of the documents in
21 their possession, custody, or control within a reasonable time following entry of a
22 protective order and an ESI agreement.

23
24 **Document Request 21:**

25 Please produce all **Documents**, including without limitation, **Call Detail Records**
26 **(aka "CDRs")**, switch records, server records that contain data associated with calls
27 transited by **Avid Telecom** obtained from any third party by the **State Law Action States**.

28 **Response:**

1 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
2 broad and unduly burdensome.

3 Plaintiffs object to the use of the terms “Call Detail Records (aka “CDRs”), switch
4 records, server records” as vague and ambiguous.

5 Plaintiffs object to the use of the term “data” as vague and ambiguous. The term is
6 also overly broad and unduly burdensome, requesting records outside the scope of this
7 litigation.

8 Plaintiffs object to extent that “State Law Action States” is not limited to Persons
9 acting within the scope of the subject matter of this litigation.

10 Plaintiffs object to the Request as overly broad and unduly burdensome and
11 therefore not proportional to the needs of the case to the extent that the Request fails to
12 provide a temporal limitation, requesting records outside the scope of this litigation.

13 Subject to the Preliminary Statements and General Objections, the responding
14 Plaintiffs further object to this Request as overly broad and therefore not proportional to
15 the needs of the case. The responding Plaintiffs may collect Call Detail Records (“CDRs”)
16 from non-parties pursuant to separate investigations which are not directly related to any
17 Defendant in the instant case. Such CDRs may contain data associated with calls which
18 were also transited by Defendants. The responding Plaintiffs are unable to determine which
19 calls reflected in CDRs obtained in otherwise unrelated investigations may have also been
20 transited by Defendants. To the extent this Request seeks CDRs provided by non-parties
21 which may contain records of calls also transited by Defendants, the responding Plaintiffs
22 are unable to determine whether responsive documents exist and may be withholding such
23 records on the basis of this objection.

24 Subject to and without waiving the Preliminary Statements, General Objections, and
25 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
26 and relevant responsive documents that have not been previously produced or filed with
27 the District Court and that can be located through a reasonable search of the documents in
28

1 their possession, custody, or control within a reasonable time following entry of a
2 protective order and an ESI agreement.

3
4 **Document Request 22:**

5 Please produce all **Documents** including without limitation, *Call Detail Records*
6 *(aka “CDRs”), switch records, server records*, sufficient to identify, by originating and
7 terminating telephone number, *each and every call* that the **State Law Action States** allege
8 was an illegal under federal law. With respect to each and every call, the **Documents**
9 produced must include **Documents** sufficient to identify the Person from whom the Call
10 Data was obtained.

11 **Response:**

12 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
13 unduly burdensome. Plaintiffs object to the use of the terms “Call Detail Records (aka
14 “CDRs”), switch records, server records” as vague and ambiguous.

15 Plaintiffs object to extent that “State Law Action States” is not limited to Persons
16 acting within the scope of the subject matter of this litigation.

17 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
18 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
19 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
20 factual evidence for Defendants.

21 Plaintiffs object to the Request as overly broad and unduly burdensome and
22 therefore not proportional to the needs of the case to the extent that the Request fails to
23 provide a temporal limitation, requesting records outside the scope of this litigation.

24 Plaintiffs object to the Request to the extent that the Request requires Plaintiffs to
25 analyze or organize factual evidence for the Defendants or the extent that the Requests ask
26 for a compilation, summary or analysis of documents or information not in existence.

1 Plaintiffs object to the Request to the extent that the Plaintiffs' investigation and
2 development of facts relating to this action is ongoing. Plaintiffs' response is based upon
3 Plaintiffs' knowledge, investigation and preparation to date.

4 The responding Plaintiffs further object to this Request to the extent that it calls for
5 information or analysis that is not yet complete and that is information that is properly the
6 subject of expert discovery. The disclosure and production of expert reports and other
7 expert-related materials will occur in accordance with Rule 26 and the dates set forth in the
8 Case Management Scheduling Order (ECF No. 102).

9 Subject to and without waiving the Preliminary Statements, General Objections, and
10 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
11 and relevant responsive documents that have not been previously produced or filed with
12 the District Court and that can be located through a reasonable search of the documents in
13 their possession, custody, or control within a reasonable time following entry of a
14 protective order and an ESI agreement.

15
16 **Document Request 23:**

17 Please produce all **Documents**, including without limitations all research, analyses,
18 studies and the like that support or refute allegations by the **State Law Action States** that
19 calls to wireless phones that are alleged to be illegal were terminated to a phone that was
20 physically located within the alleging state when the call was received.

21 **Response:**

22 Plaintiffs object to this Request as unduly burdensome and overly broad to the extent
23 that it seeks documents and information equally available to Defendants, including publicly
24 available documents and information, since, under Rule 26(b)(1), such information is
25 obtainable from another source that is more convenient, less burdensome, and/or less
26 expensive.

27 Plaintiffs object to the use of "all" as defined by Defendants as overly broad and
28 unduly burdensome.

1 Plaintiffs object to the use of the terms “research, analyses, studies and the like” as
2 vague and ambiguous. The terms are also overly broad and unduly burdensome, to the
3 extent that they call for information that is not relevant to any claim or defense in this
4 matter or reasonably calculated to lead to the discovery of admissible evidence.

5 Plaintiffs object to extent that “State Law Action State” is not limited to Persons
6 acting within the scope of the subject matter of this litigation.

7 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
8 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
9 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
10 factual evidence for Defendants.

11 Plaintiffs object to the Request as overly broad and unduly burdensome and
12 therefore not proportional to the needs of the case to the extent that the Request fails to
13 provide a temporal limitation, requesting records outside the scope of this litigation.

14 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
15 in this litigation pursuant to the foregoing objections.

16 Subject to and without waiving the Preliminary Statements, General Objections, and
17 specific objections, the responding Plaintiffs respond that there are no responsive
18 documents.

19
20 **Document Request 24:**

21 Please produce all **Documents**, including without limitation, Do Not Call lists, **Call**
22 **Detail Records (aka “CDRs”)**, switch records, server records, sufficient to identify, *each*
23 *and every call* that the **Lead Plaintiff States** allege was terminated in violation of an
24 applicable federal Do Not Call List.

25 **Response:**

26 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
27 unduly burdensome.

1 Plaintiffs object to the Request as vague and ambiguous to the extent that the
2 meaning of the phrase “terminated in violation of an applicable federal Do Not Call List”
3 is unclear. Plaintiffs interpret the Request as calling for Documents sufficient to identify
4 calls which violate statutes or rules prohibiting certain calls to phone numbers listed on the
5 National Do Not Call Registry maintained by the Federal Trade Commission.

6 Plaintiffs object to the Request to the extent that the Plaintiffs’ investigation and
7 development of facts relating to this action is ongoing. Plaintiffs’ response is based upon
8 Plaintiffs’ knowledge, investigation and preparation to date.

9 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
10 in this litigation pursuant to the foregoing objections.

11 Subject to and without waiving the Preliminary Statements, General Objections, and
12 specific objections, responding Plaintiffs have not yet compiled each and every call placed
13 in violation of statutes or rules prohibiting calls to phone numbers appearing on the
14 National Do Not Call Registry. Responding Plaintiffs expect to create and produce
15 responsive documents as a part of their expert disclosures pursuant to Fed. R. Civ. P.
16 26(a)(2) and will be disclosed pursuant to the Case Management Order Case filed on
17 December 12, 2024 (ECF No. 102).

18
19 **Document Request 25:**

20 Please produce all **Documents**, including without limitation, Do Not Call lists, **Call**
21 **Detail Records (aka “CDRs”)**, switch records, server records, sufficient to identify, *each*
22 *and every call* that the **State Law Action States** allege was terminated in violation of an
23 applicable federal Do Not Call List.

24 **Response:**

25 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
26 unduly burdensome.

27 Plaintiffs object to the Request as vague and ambiguous to the extent that the
28 meaning of the phrase “terminated in violation of an applicable federal Do Not Call List”

1 is unclear. Plaintiffs interpret the Request as calling for Documents sufficient to identify
2 calls which violate statutes or rules prohibiting certain calls to phone numbers listed on the
3 National Do Not Call Registry maintained by the Federal Trade Commission.

4 Plaintiffs object to the Request to the extent that the Plaintiffs' investigation and
5 development of facts relating to this action is ongoing. Plaintiffs' response is based upon
6 Plaintiffs' knowledge, investigation and preparation to date.

7 Plaintiffs are not knowingly withholding documents relevant to claims and defenses
8 in this litigation pursuant to the foregoing objections.

9 Subject to and without waiving the Preliminary Statements, General Objections, and
10 specific objections, responding Plaintiffs have not yet compiled each and every call placed
11 in violation of statutes or rules prohibiting calls to phone numbers appearing on the
12 National Do Not Call Registry. Responding Plaintiffs expect to create and produce
13 responsive documents as a part of their expert disclosures pursuant to Fed. R. Civ. P.
14 26(a)(2) and will be disclosed pursuant to the Case Management Order Case (ECF No.
15 102).

16
17 **Document Request 26:**

18 Please produce all **Documents**, including without limitation, Do Not Call lists, **Call**
19 **Detail Records (aka "CDRs")**, switch records, server records, sufficient to demonstrate,
20 whether *each and every call* that the **Lead Plaintiff States** allege was terminated in
21 violation of an applicable Do Not Call List was registered as a residential or a business
22 telephone number.

23 **Response:**

24 Plaintiffs object to the use of "all" as defined by Defendants as overly broad and
25 unduly burdensome.

26 Plaintiffs object to the Request as vague, ambiguous, overly broad and
27 incomprehensible. Plaintiffs object to the extent that the meaning of the phrase "terminated
28 in violation of an applicable Do Not Call List was registered as a residential or a business

1 telephone number” is unclear. A call does not violate a “Do Not Call List” but rather a call
2 may violate a statute or rule. Plaintiffs object to the extent that Defendants failed to identify
3 which statute or rule or “violation” is at issue in the Request. Plaintiffs object as Defendants
4 failed to provide a definition for “applicable Do Not Call List.” Plaintiffs interpret the
5 Request as seeking Documents relevant to calls that Plaintiffs allege violate Count IV of
6 the Complaint. Plaintiffs further interpret the Request as seeking data corresponding to
7 each violative call which indicates whether the registered telephone number appearing on
8 the National Do Not Call Registry is a residential or business number.

9 Plaintiffs object to the Request to the extent that the Plaintiffs’ investigation and
10 development of facts relating to this action is ongoing. Plaintiffs’ response is based upon
11 Plaintiffs’ knowledge, investigation and preparation to date.

12 Subject to and without waiving the Preliminary Statements, General Objections, and
13 specific objections, responding Plaintiffs have no responsive documents as the National
14 Do Not Call Registry does not contain data as to whether each number listed is a residential
15 or business telephone number.

16
17 **Document Request 27:**

18 Please produce all **Documents**, including without limitation, Do Not Call Lists, **Call**
19 **Detail Records (aka “CDRs”)**, switch records, server records, sufficient to demonstrate,
20 whether *each and every call* that the **State Law Action States** allege was terminated in
21 violation of an applicable federal Do Not Call List was registered as a residential or a
22 business telephone number.

23 **Response:**

24 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
25 unduly burdensome.

26 Plaintiffs object to the Request as vague, ambiguous, overly broad and
27 incomprehensible. Plaintiffs object to the extent that the meaning of the phrase “terminated
28 in violation of an applicable federal Do Not Call List was registered as a residential or a

1 business telephone number” is unclear. A call does not violate a “Do Not Call List” but
2 rather a call may violate a statute or rule. Plaintiffs object to the extent that Defendants
3 failed to identify which statute or rule or “violation” is at issue in the Request. Plaintiffs
4 object as Defendants failed to provide a definition for “applicable federal Do Not Call
5 List.” Plaintiffs interpret the Request as seeking Documents relevant to calls that the State
6 Law Action States allege violate any of their respective state law Counts and to the extent
7 those state law claims rely on the National Do Not Call Registry. Plaintiffs further interpret
8 the Request as seeking documents corresponding to each violative call which indicates
9 whether the registered telephone number appearing on the National Do Not Call Registry
10 is a residential or business number.

11 Plaintiffs object to the Request to the extent that the Plaintiffs’ investigation and
12 development of facts relating to this action is ongoing. Plaintiffs’ response is based upon
13 Plaintiffs’ knowledge, investigation and preparation to date.

14 Subject to and without waiving the Preliminary Statements, General Objections, and
15 specific objections, responding Plaintiffs have no responsive documents.

16
17 **Document Request 28:**

18 Please produce all **Documents** including without limitation, all **Documents**
19 containing information provided by the **Called Party**, that such **Called Party** stated that
20 he/she had not authorized the sender to make the each and every call alleged to be illegal
21 in the Complaint (*i.e.*, there was not a valid opt-in).

22 **Response:**

23 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
24 unduly burdensome.

25 Plaintiffs object to the Request to the extent that the definition of “Called Party”
26 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each
27 of the Plaintiffs’ causes of action.
28

1 Plaintiffs object to Defendants' failure to define "illegal," and object to any Request
2 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
3 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
4 factual evidence for Defendants.

5 Plaintiffs object to the Request to the extent that the Request seeks documents
6 already in the custody or control of the Defendants and will not produce those documents.

7 Plaintiffs object to the Request to the extent that the Plaintiffs' investigation and
8 development of facts relating to this action is ongoing. Plaintiffs' response is based upon
9 Plaintiffs' knowledge, investigation and preparation to date.

10 Subject to and without waiving the Preliminary Statements, General Objections, and
11 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
12 and relevant responsive documents that have not been previously produced or filed with
13 the District Court and that can be located through a reasonable search of the documents in
14 their possession, custody, or control within a reasonable time following the entry of a
15 protective order. Additionally, responding Plaintiffs expect to supplement this response as
16 their investigation continues.

17
18 **Document Request 29:**

19 Please produce all **Documents** that refer to, relate to or constitute data collected by
20 the **Lead Plaintiff States**, regarding when the telephone number associated with each call
21 alleged to be illegal was obtained by the **Called Party**.

22 **Response:**

23 Plaintiffs object to the Request based on the definition provided for "Called Party"
24 to the extent that it asserts a legal conclusion, misstates the law or is not exclusively
25 determinative as to each of the Plaintiffs' causes of action.

26 Plaintiffs object to Defendants' failure to define "illegal," and object to any Request
27 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
28

1 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
2 factual evidence for Defendants.

3 Plaintiffs object to the Request as overly broad and unduly burdensome and
4 therefore not proportional to the needs of the case to the extent that the Request fails to
5 provide a temporal limitation, requesting records outside the scope of this litigation.

6 Plaintiffs object to this Request as it calls for information that is not relevant to any
7 claim or defense in this matter or reasonably calculated to lead to the discovery of
8 admissible evidence.

9 Subject to and without waiving the Preliminary Statements, General Objections, and
10 specific objections, the responding Plaintiffs respond that there are no responsive
11 documents.

12
13 **Document Request 30:**

14 Please produce all **Documents** that refer to, relate to or constitute data collected by
15 the **Lead Plaintiff States**, evidencing whether a predecessor to the **Called Party** had
16 agreed to accept any of the calls at issue.

17 **Response:**

18 Plaintiffs object to the Request based on the definition provided for “Called Party”
19 to the extent that it asserts a legal conclusion, misstates the law or is not exclusively
20 determinative as to each of the Plaintiffs’ causes of action.

21 Responding Plaintiffs object to the Request as vague and ambiguous to the extent
22 that the meaning of the phrase “predecessor” is unclear. The responding Plaintiffs interpret
23 the term as referring to a subscriber to whom a phone number was previously assigned
24 prior to being re-assigned to a different subscriber at the time of a call transited by
25 Defendants.

26 Plaintiffs object to the Request as overly broad and unduly burdensome and
27 therefore not proportional to the needs of the case to the extent that the Request fails to
28 provide a temporal limitation, requesting records outside the scope of this litigation.

1 Plaintiffs object to this Request as it calls for information that is not relevant to any
2 claim or defense in this matter or reasonably calculated to lead to the discovery of
3 admissible evidence.

4 Subject to and without waiving the Preliminary Statements, General Objections, and
5 specific objections, the responding Plaintiffs respond that there are no responsive
6 documents.

7
8 **Document Request 31:**

9 Please produce all **Documents** that refer to, relate to or constitute data collected by the
10 **State Law Action States**, regarding when the telephone number associated with each call
11 alleged to be illegal was obtained by the **Called Party**.

12 **Response:**

13 Plaintiffs object to the Request as overly broad and unduly burdensome and
14 therefore not proportional to the needs of the case to the extent that the Request fails to
15 provide a temporal limitation, requesting records outside the scope of this litigation.

16 Plaintiffs object to this Request as it calls for information that is not relevant to any
17 claim or defense in this matter or reasonably calculated to lead to the discovery of
18 admissible evidence.

19 Plaintiffs object to the Request based on the definition provided for “Called Party,”
20 to the extent that it asserts a legal conclusion, misstates the law or is not exclusively
21 determinative as to each of the Plaintiffs’ causes of action.

22 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
23 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
24 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
25 factual evidence for Defendants.

26 Subject to and without waiving the Preliminary Statements, General Objections, and
27 specific objections, the responding Plaintiffs respond that there are no responsive
28 documents.

1 **Document Request 32:**

2 Please produce all **Documents** that refer to, relate to or constitute data collected by
3 the **State Law Action States**, evidencing whether a predecessor to the **Called Party** had
4 agreed to accept any of the calls at issue.

5 **Response:**

6 Plaintiffs object to the Request based on the definition provided for “Called Party,”
7 to the extent that it asserts a legal conclusion, misstates the law or is not exclusively
8 determinative as to each of the Plaintiffs’ causes of action.

9 Responding Plaintiffs object to the Request as vague and ambiguous to the extent
10 that the meaning of the phrase “predecessor” is unclear. The responding Plaintiffs interpret
11 the term as referring to a subscriber to whom a phone number was previously assigned
12 prior to being re-assigned to a different subscriber at the time of a call transited by
13 Defendants.

14 Plaintiffs object to the Request as overly broad and unduly burdensome and
15 therefore not proportional to the needs of the case to the extent that the Request fails to
16 provide a temporal limitation, requesting records outside the scope of this litigation.

17 Plaintiffs object to this Request as it calls for information that is not relevant to any
18 claim or defense in this matter or reasonably calculated to lead to the discovery of
19 admissible evidence.

20 Subject to and without waiving the Preliminary Statements, General Objections, and
21 specific objections, the responding Plaintiffs respond that there are no responsive
22 documents.

23
24 **Document Request 33:**

25 Please produce all **Documents** that the **Lead Plaintiff States** allege demonstrate
26 that **Michael D. Lansky**, in his individual capacity, had **Actual Knowledge** at the time
27 that a call transited the Avid Telecom network that *each and every* call identified in the
28 previous Request was an illegal robocall under federal law.

1 **Response:**

2 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
3 unduly burdensome.

4 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
5 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
6 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
7 factual evidence for Defendants.

8 Plaintiffs object to the Request to the extent that the Plaintiffs’ investigation and
9 development of facts relating to this action is ongoing. Plaintiffs’ response is based upon
10 Plaintiffs’ knowledge, investigation and preparation to date.

11 Plaintiffs object to the Request to the extent that the term “Actual Knowledge”
12 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each
13 of the Plaintiffs’ causes of action. Plaintiffs’ response to this Request is based on authorities
14 interpreting the term “Actual Knowledge.” *See, e.g., Off. of Att’y Gen. v. Smartbiz Telecom*
15 *LLC*, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) (“Defendant
16 had actual notice of the illegal use of its network through the Traceback notifications and
17 numerous complaints from suppliers. These notifications provided specific information
18 about the illegal nature of the calls and required [d]efendant to locate and respond to the
19 Tracebacks, demonstrating that [d]efendant had actual knowledge of the illegal use of its
20 network.”). Plaintiffs’ response to this Request does not constitute an acceptance of
21 Defendants’ definition of the term “Actual Knowledge” or waive any argument related
22 thereto.

23 Subject to and without waiving the Preliminary Statements, General Objections, and
24 specific objections, responding Plaintiffs state that there are no responsive documents
25 related to Request 32, and so no responsive documents to this Request. In light of the
26 vagueness and ambiguity of the Request, responding Plaintiffs are not purposefully
27 withholding responsive documents.
28

1 In the alternative, to the extent that Defendants’ use of the undefined term “previous
2 Request” was meant to request the production of documents referenced in Request Nos.
3 20, 22, or 24 through 28, which use the term “each and every call,” in response to those
4 Requests, responding Plaintiffs have or will produce non-privileged, non-duplicative, and
5 relevant responsive documents that have not been previously produced or filed with the
6 District Court and that can be located through a reasonable search of the documents in their
7 possession, custody, or control within a reasonable time following the entry of a protective
8 order.

9
10 **Document Request 34:**

11 Please produce all **Documents** that the **Lead Plaintiff States** allege demonstrate
12 that **Michael D. Lansky**, in his individual capacity, had **Actual Knowledge** at any time
13 after a call transited the **Avid Telecom** network that *each and every* call identified in the
14 previous Request was an illegal robocall under federal law.

15 **Response:**

16 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
17 unduly burdensome.

18 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
19 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
20 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
21 factual evidence for Defendants.

22 Plaintiffs object to the Request to the extent that the term “Actual Knowledge”
23 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each
24 of the Plaintiffs’ causes of action. Plaintiffs' response to this Request is based on authorities
25 interpreting the term “Actual Knowledge.” *See, e.g., Off. of Att’y Gen. v. Smartbiz Telecom*
26 *LLC*, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) (“Defendant
27 had actual notice of the illegal use of its network through the traceback notifications and
28 numerous complaints from suppliers. These notifications provided specific information

1 about the illegal nature of the calls and required [d]efendant to locate and respond to the
2 tracebacks, demonstrating that [d]efendant had actual knowledge of the illegal use of its
3 network.”). Plaintiffs’ response to this Request does not constitute an acceptance of
4 Defendants’ definition of the term “Actual Knowledge” or waive any argument related
5 thereto.

6 Plaintiffs object to the Request to the extent that the Plaintiffs’ investigation and
7 development of facts relating to this action is ongoing. Plaintiffs’ response is based upon
8 Plaintiffs’ knowledge, investigation and preparation to date.

9 Subject to and without waiving the Preliminary Statements, General Objections, and
10 specific objections, Plaintiffs state that there are no responsive documents related to
11 Request 33, and so no responsive documents to this Request.

12 In the alternative, to the extent that Defendants’ use of the undefined term “previous
13 Request” was meant to request the production of documents referenced in Request Nos.
14 20, 22, or 24 through 28, which use the term “each and every call,” in response to those
15 Requests, the responding Plaintiffs have produced or will produce non-privileged, non-
16 duplicative, and relevant responsive documents that have not been previously produced or
17 filed with the District Court and that can be located through a reasonable search of the
18 documents in their possession, custody, or control within a reasonable time following the
19 entry of a protective order.

20
21 **Document Request 35:**

22 Please produce all **Documents** that the **State Law Action States** allege demonstrate
23 that **Michael D. Lansky**, in his individual capacity, had **Actual Knowledge** at the time
24 that a call transited the **Avid Telecom** network that *each and every* call identified in the
25 previous Request was an illegal robocall under state law.

26 **Response:**

27 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
28 unduly burdensome.

1 Plaintiffs object to Defendants' failure to define "illegal," and object to any Request
2 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
3 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
4 factual evidence for Defendants.

5 Plaintiffs object to the Request to the extent that the Plaintiffs' investigation and
6 development of facts relating to this action is ongoing. Plaintiffs' response is based upon
7 Plaintiffs' knowledge, investigation and preparation to date.

8 Plaintiffs object to the Request to the extent that the term "Actual Knowledge"
9 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each
10 of the Plaintiffs' causes of action. Plaintiffs' response to this Request is based on authorities
11 interpreting the term "Actual Knowledge" *See, e.g., Off. of Att'y Gen. v. Smartbiz Telecom*
12 *LLC*, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) ("Defendant
13 had actual notice of the illegal use of its network through the traceback notifications and
14 numerous complaints from suppliers. These notifications provided specific information
15 about the illegal nature of the calls and required [d]efendant to locate and respond to the
16 tracebacks, demonstrating that [d]efendant had actual knowledge of the illegal use of its
17 network."). Plaintiffs' responses to this Request does not constitute an acceptance of
18 Defendants' definition of the term "Actual Knowledge" or waive any argument related
19 thereto.

20 Subject to and without waiving the Preliminary Statements, General Objections, and
21 specific objections, Plaintiffs state that there are no responsive documents related to
22 Request 34, and so no responsive documents to this Request.

23 In the alternative, to the extent that Defendants' use of the undefined term "previous
24 Request" was meant to request the production of documents referenced in Request Nos.
25 20, 22, or 24 through 28, which use the term "each and every call," in response to those
26 Requests, the responding Plaintiffs have or will produce non-privileged, non-duplicative,
27 and relevant responsive documents that have not been previously produced or filed with
28 the District Court and that can be located through a reasonable search of the documents in

1 their possession, custody, or control within a reasonable time following the entry of a
2 protective order.

3
4 **Document Request 36:**

5 Please produce all **Documents** that the **State Law Action States** allege demonstrate
6 that **Michael D. Lansky**, in his individual capacity, had **Actual Knowledge** at any time
7 after a call transited the **Avid Telecom** network that *each and every* call identified in the
8 previous Request was an illegal robocall under state law.

9 **Response:**

10 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
11 unduly burdensome.

12 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
13 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
14 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
15 factual evidence for Defendants.

16 Plaintiffs object to the Request to the extent that Plaintiffs’ investigation and
17 development of facts relating to this action is ongoing. Plaintiffs’ response is based upon
18 Plaintiffs’ knowledge, investigation and preparation to date.

19 Plaintiffs object to the Request to the extent that the term “Actual Knowledge”
20 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each
21 of the Plaintiffs’ causes of action. Plaintiffs’ response to this Request is based on authorities
22 interpreting the term “Actual Knowledge.” *See, e.g., Off. of Att’y Gen. v. Smartbiz Telecom*
23 *LLC*, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) (“Defendant
24 had actual notice of the illegal use of its network through the traceback notifications and
25 numerous complaints from suppliers. These notifications provided specific information
26 about the illegal nature of the calls and required [d]efendant to locate and respond to the
27 tracebacks, demonstrating that [d]efendant had actual knowledge of the illegal use of its
28 network.”). Plaintiffs’ responses to these Requests do not constitute an acceptance of

1 Defendants' definition of the term "Actual Knowledge" or waive any argument related
2 thereto.

3 Subject to and without waiving the Preliminary Statements, General Objections, and
4 specific objections, Plaintiffs state that there are no responsive documents related to
5 Request 35, and so there are no responsive documents to this Request.

6 In the alternative, to the extent that Defendants' use of the undefined term "previous
7 Request" was meant to request the production of documents referenced in Request Nos.
8 20, 22, or 24 through 28, which use the term "each and every call," in response to those
9 Requests, the responding Plaintiffs have produced or will produce non-privileged, non-
10 duplicative, and relevant responsive documents that have not been previously produced or
11 filed with the District Court and that can be located through a reasonable search of the
12 documents in their possession, custody, or control within a reasonable time following the
13 entry of a protective order.

14
15 **Document Request 37:**

16 Please produce all **Documents** that the **Lead Plaintiff States** allege demonstrate
17 that **Stacey S. Reeves**, in her individual capacity, had **Actual Knowledge** at the time that
18 a call transited the Avid Telecom network that *each and every* call identified in the previous
19 Request was an illegal robocall under federal law.

20 **Response:**

21 Plaintiffs object to the use of "all" as defined by Defendants as overly broad and
22 unduly burdensome.

23 Plaintiffs object to Defendants' failure to define "illegal," and object to any Request
24 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
25 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
26 factual evidence for Defendants.

27 Plaintiffs object to the Request to the extent that the term "Actual Knowledge"
28 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each

1 of the Plaintiffs' causes of action. Plaintiffs' response to this Request is based on authorities
2 interpreting the term "Actual Knowledge." *See, e.g., Off. of Att'y Gen. v. Smartbiz Telecom*
3 *LLC*, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) ("Defendant
4 had actual notice of the illegal use of its network through the traceback notifications and
5 numerous complaints from suppliers. These notifications provided specific information
6 about the illegal nature of the calls and required [d]efendant to locate and respond to the
7 tracebacks, demonstrating that [d]efendant had actual knowledge of the illegal use of its
8 network."). Plaintiffs' response to this Request does not constitute an acceptance of
9 Defendants' definition of the term "Actual Knowledge" or waive any argument related
10 thereto.

11 Plaintiffs object to the Request to the extent that the Plaintiffs' investigation and
12 development of facts relating to this action is ongoing. Plaintiffs' response is based upon
13 Plaintiffs' knowledge, investigation and preparation to date.

14 Subject to and without waiving the Preliminary Statements, General Objections, and
15 specific objections, Plaintiffs state that there are no responsive documents related to
16 Request 36, and so there are no responsive documents to this Request.

17 In the alternative, to the extent that Defendants' use of the undefined term "previous
18 Request" was meant to request the production of documents referenced in Request Nos.
19 20, 22, or 24 through 28, which use the term "each and every call," in response to those
20 Requests, the responding Plaintiffs have produced or will produce non-privileged, non-
21 duplicative, and relevant responsive documents that have not been previously produced or
22 filed with the District Court and that can be located through a reasonable search of the
23 documents in their possession, custody, or control within a reasonable time following the
24 entry of a protective order.

25
26 **Document Request 38:**

27 Please produce all Documents that the **Lead Plaintiff States** allege demonstrate that
28 **Stacey S. Reeves**, in her individual capacity, had **Actual Knowledge** at any time after a

1 call transited the Avid Telecom network that *each and every* call identified in the previous
2 Request was an illegal robocall under federal law.

3 **Response:**

4 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
5 broad and unduly burdensome.

6 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
7 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
8 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
9 factual evidence for Defendants.

10 Plaintiffs object to the Request to the extent that the Plaintiffs’ investigation and
11 development of facts relating to this action is ongoing. Plaintiffs’ response is based upon
12 Plaintiffs’ knowledge, investigation and preparation to date.

13 Plaintiffs object to the Request to the extent that the term “Actual Knowledge”
14 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each
15 of the Plaintiffs’ causes of action. Plaintiffs’ response to this Request is based on authorities
16 interpreting the term “Actual Knowledge.” *See, e.g., Off. of Att’y Gen. v. Smartbiz Telecom*
17 *LLC*, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) (“Defendant
18 had actual notice of the illegal use of its network through the traceback notifications and
19 numerous complaints from suppliers. These notifications provided specific information
20 about the illegal nature of the calls and required [d]efendant to locate and respond to the
21 tracebacks, demonstrating that [d]efendant had actual knowledge of the illegal use of its
22 network.”). Plaintiffs’ response to this Request does not constitute an acceptance of
23 Defendants’ definition of the term “Actual Knowledge” or waive any argument related
24 thereto.

25 Subject to and without waiving the Preliminary Statements, General Objections, and
26 specific objections, Plaintiffs state that there are no responsive documents related to
27 Request 37, and so no responsive documents to this Request.

1 In the alternative, to the extent that Defendants’ use of the undefined term “previous
2 Request” was meant to request the production of documents referenced in Request Nos.
3 20, 22, or 24 through 28, which use the term “each and every call,” in response to those
4 Requests, the responding Plaintiffs have produced or will produce non-privileged, non-
5 duplicative, and relevant responsive documents that have not been previously produced or
6 filed with the District Court and that can be located through a reasonable search of the
7 documents in their possession, custody, or control within a reasonable time following the
8 entry of a protective order.

9
10 **Document Request 39:**

11 Please produce all **Documents** that the **State Law Action States** allege demonstrate
12 that **Stacey S. Reeves**, in her individual capacity, had **Actual Knowledge** at the time that
13 a call transited the Avid Network that *each and every* call identified in the previous Request
14 was an illegal robocall under state law.

15 **Response:**

16 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
17 unduly burdensome.

18 Plaintiffs object to Defendants’ failure to define “illegal,” and object to any Request
19 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
20 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
21 factual evidence for Defendants.

22 Plaintiffs object to the Request to the extent that the Plaintiffs’ investigation and
23 development of facts relating to this action is ongoing. Plaintiffs’ response is based upon
24 Plaintiffs’ knowledge, investigation and preparation to date.

25 Plaintiffs object to the Request to the extent that the term “Actual Knowledge”
26 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each
27 of the Plaintiffs’ causes of action. Plaintiffs’ response to this Request is based on authorities
28 interpreting the term “Actual Knowledge.” *See, e.g., Off. of Att’y Gen. v. Smartbiz Telecom*

1 LLC, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) (“Defendant
2 had actual notice of the illegal use of its network through the traceback notifications and
3 numerous complaints from suppliers. These notifications provided specific information
4 about the illegal nature of the calls and required [d]efendant to locate and respond to the
5 tracebacks, demonstrating that [d]efendant had actual knowledge of the illegal use of its
6 network.”). Plaintiffs’ response to this Request does not constitute an acceptance of
7 Defendants’ definition of the term “Actual Knowledge” or waive any argument related
8 thereto.

9 Subject to and without waiving the Preliminary Statements, General Objections, and
10 specific objections, Plaintiffs state that there are no responsive documents related to
11 Request 38, and so no responsive documents to this Request.

12 In the alternative, to the extent that Defendants’ use of the undefined term “previous
13 Request” was meant to request the production of documents referenced in Request Nos.
14 20, 22, or 24 through 28, which use the term “each and every call,” in response to those
15 Requests, the responding Plaintiffs have produced or will produce non-privileged, non-
16 duplicative, and relevant responsive documents that have not been previously produced or
17 filed with the District Court and that can be located through a reasonable search of the
18 documents in their possession, custody, or control within a reasonable time following the
19 entry of a protective order.

20
21 **Document Request 40:**

22 Please produce all **Documents** that the **State Law Action States** allege demonstrate
23 that **Stacey S. Reeves**, in her individual capacity, had **Actual Knowledge** at any time after
24 a call transited the Avid Network that *each and every* call identified in the previous Request
25 was an illegal robocall under state law.

26 **Response:**

27 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
28 broad and unduly burdensome.

1 Plaintiffs object to Defendants' failure to define "illegal," and object to any Request
2 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,
3 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
4 factual evidence for Defendants.

5 Plaintiffs object to the Request to the extent that the Plaintiffs' investigation and
6 development of facts relating to this action is ongoing. Plaintiffs' response is based upon
7 Plaintiffs' knowledge, investigation and preparation to date.

8 Plaintiffs object to the Request to the extent that the term "Actual Knowledge"
9 asserts a legal conclusion, misstates the law or is not exclusively determinative as to each
10 of the Plaintiffs' causes of action. Plaintiffs' response to this Request is based on authorities
11 interpreting the term "Actual Knowledge." *See, e.g., Off. of Att'y Gen. v. Smartbiz Telecom*
12 *LLC*, No. 22-23945-CIV, 2024 WL 4251895, at *4 (S.D. Fla. Sept. 19, 2024) ("Defendant
13 had actual notice of the illegal use of its network through the traceback notifications and
14 numerous complaints from suppliers. These notifications provided specific information
15 about the illegal nature of the calls and required [d]efendant to locate and respond to the
16 tracebacks, demonstrating that [d]efendant had actual knowledge of the illegal use of its
17 network."). Plaintiffs' response to this Request does not constitute an acceptance of
18 Defendants' definition of the term "Actual Knowledge" or waive any argument related
19 thereto.

20 Subject to and without waiving the Preliminary Statements, General Objections, and
21 specific objections, Plaintiffs state that there are no responsive documents related to
22 Request 39, and so no responsive documents to this Request.

23 In the alternative, to the extent that Defendants' use of the undefined term "previous
24 Request" was meant to request the production of documents referenced in Request Nos.
25 20, 22, or 24 through 28, which use the term "each and every call," in response to those
26 Requests, the responding Plaintiffs have or will produce non-privileged, non-duplicative,
27 and relevant responsive documents that have not been previously produced or filed with
28 the District Court and that can be located through a reasonable search of the documents in

1 their possession, custody, or control within a reasonable time following the entry of a
2 protective order.

3
4 **Document Request 41:**

5 Please produce all **Documents** that the **Lead Plaintiff States** allege demonstrate
6 that **Stacey S. Reeves** had the actual authority to make any decision on behalf Avid
7 Telecom; *i.e.*, not just that she stated a position but that she had the authority to make the
8 decision and did so on her own without input from Mr. Lansky).

9 **Response:**

10 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
11 broad and unduly burdensome.

12 Plaintiffs object to the term “actual authority” as the term is not defined and calls
13 for a legal conclusion.

14 Plaintiffs object to this Request as it calls for information that is not relevant to any
15 claim or defense in this matter or reasonably calculated to lead to the discovery of
16 admissible evidence. Plaintiffs object to the Request to the extent that it is vague and
17 ambiguous as to whether it is seeking documents containing facts or seeking responding
18 Plaintiffs’ application of the law to those facts.

19 Plaintiffs object to this Request to the extent it seeks factual documents on the
20 grounds that it calls for documents that are in the possession, custody, or control of the
21 Defendants.

22 Plaintiffs object to this Request to the extent it seeks documents in which responding
23 Plaintiffs applied the law to facts. Documents relating to Plaintiffs’ legal conclusions are
24 protected opinion work product and information protected by the deliberative process
25 privilege, attorney-client privilege, law enforcement privilege, as well as the joint
26 prosecution, common interest privilege, and the attorney trial preparation and attorney
27 work product doctrines. Plaintiffs are not withholding any documents based on this
28 privilege objection.

1 Subject to and without waiving the Preliminary Statements, General Objections, and
2 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
3 and relevant responsive documents that have not been previously produced or filed with
4 the District Court and that can be located through a reasonable search of the documents in
5 their possession, custody, or control within a reasonable time following the entry of a
6 protective order.

7
8 **Document Request 42:**

9 Please produce all **Documents** that the **State Law Action States** allege demonstrate
10 that **Stacey S. Reeves** had the actual authority to make any decision on behalf Avid
11 Telecom; *i.e.*, not just that she stated a position but that she had the authority to make the
12 decision and did so on her own without input from Mr. Lansky).

13 **Response:**

14 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
15 broad and unduly burdensome.

16 Plaintiffs object to the term “actual authority” as the term is not defined and calls
17 for a legal conclusion.

18 Plaintiffs object to this Request as it calls for information that is not relevant to any
19 claim or defense in this matter or reasonably calculated to lead to the discovery of
20 admissible evidence.

21 Plaintiffs object to the Request to the extent that is it vague and ambiguous as to
22 whether it is seeking documents containing facts or responding Plaintiffs’ application of
23 the law to those facts.

24 Plaintiffs object to this Request to the extent it seeks factual documents on the
25 grounds that it calls for documents that are in the possession, custody, or control of the
26 Defendants.

27 Plaintiffs object to this Request to the extent it seeks documents in which responding
28 Plaintiffs applied the law to facts. Documents relating to Plaintiffs’ legal conclusions are

1 protected opinion work product and information protected by the deliberative process
2 privilege, attorney-client privilege, law enforcement privilege, as well as the joint
3 prosecution, common interest privilege and the attorney trial preparation, and attorney
4 work product doctrines. Plaintiffs are not withholding any documents based on this
5 privilege objection.

6 Subject to and without waiving the Preliminary Statements, General Objections, and
7 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
8 and relevant responsive documents that have not been previously produced or filed with
9 the District Court and that can be located through a reasonable search of the documents in
10 their possession, custody, or control within a reasonable time following the entry of a
11 protective order.

12
13 **Document Request 43:**

14 Please produce all **Documents** that the **Lead Plaintiff States** allege demonstrate
15 that **Stacey S. Reeves** was an employee of Avid Telecom.

16 **Response:**

17 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
18 unduly burdensome.

19 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
20 within the scope of the subject matter of this litigation.

21 Plaintiffs object to this Request as it calls for information that is not relevant to any
22 claim or defense in this matter or reasonably calculated to lead to the discovery of
23 admissible evidence.

24 Plaintiffs object to the Request to the extent that is it vague and ambiguous as to
25 whether it is seeking documents containing facts or responding Plaintiffs’ application of
26 the law to those facts.

1 Plaintiffs object to this Request to the extent it seeks factual documents on the
2 grounds that it calls for documents that are in the possession, custody, or control of the
3 Defendants.

4 Plaintiffs object to this Request to the extent it seeks documents in which responding
5 Plaintiffs applied the law to facts. Documents relating to Plaintiffs' legal conclusions are
6 protected opinion work product and information protected by the deliberative process
7 privilege, attorney-client privilege, law enforcement privilege, as well as the joint
8 prosecution, common interest privilege and the attorney trial preparation, and attorney
9 work product doctrines. Plaintiffs are not withholding any documents based on this
10 privilege objection.

11 Subject to and without waiving the Preliminary Statements, General Objections, and
12 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
13 and relevant responsive documents that have not been previously produced or filed with
14 the District Court and that can be located through a reasonable search of the documents in
15 their possession, custody, or control within a reasonable time following the entry of a
16 protective order.

17
18 **Document Request 44:**

19 Please produce all **Documents** that the **State Law Action States** allege demonstrate
20 that **Stacey S. Reeves** was an employee of Avid Telecom.

21 **Response:**

22 Plaintiffs object to the use of "all" as defined by Defendants as overly broad and
23 unduly burdensome.

24 Plaintiffs object to extent that "State Law Action State" is not limited to Persons
25 acting within the scope of the subject matter of this litigation.

26 Plaintiffs object to this Request as calls for information that is not relevant to any
27 claim or defense in this matter or reasonably calculated to lead to the discovery of
28 admissible evidence.

1 Plaintiffs object to the Request to the extent that is it vague and ambiguous as to
2 whether it is seeking documents containing facts or responding Plaintiffs' application of
3 the law to those facts.

4 Plaintiffs object to this Request to the extent it seeks factual documents on the
5 grounds that it calls for documents that are in the possession, custody, or control of the
6 Defendants.

7 Plaintiffs object to this Request to the extent it seeks documents in which responding
8 Plaintiffs applied the law to facts. Documents relating to Plaintiffs' legal conclusions are
9 protected opinion work product and information protected by the deliberative process
10 privilege, attorney-client privilege, law enforcement privilege, as well as the joint
11 prosecution, common interest privilege and the attorney trial preparation, and attorney
12 work product doctrines. Plaintiffs are not withholding any documents based on this
13 privilege objection.

14 Subject to and without waiving the Preliminary Statements, General Objections, and
15 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
16 and relevant responsive documents that have not been previously produced or filed with
17 the District Court and that can be located through a reasonable search of the documents in
18 their possession, custody, or control within a reasonable time following the entry of a
19 protective order.

20
21 **Document Request 45:**

22 Please produce all **Documents** that constitute a conclusion by an agency (*e.g.*, the
23 FCC) or court with jurisdiction that any specific call transited by Avid Telecom was illegal.

24 **Response:**

25 Plaintiffs object to the use of "all" and "any" as defined by Defendants as overly
26 broad and unduly burdensome.

27 Plaintiffs object to Defendants' failure to define "illegal," and object to any Request
28 that requires Plaintiffs to ascertain the meaning of the term, calls for legal conclusions,

1 seeks to have Plaintiffs to undertake legal research for Defendants, or analyze or organize
2 factual evidence for Defendants.

3 Plaintiffs object to the Request as overly broad and unduly burdensome and
4 therefore not proportional to the needs of the case to the extent that the Request fails to
5 provide a temporal limitation, requesting records outside the scope of this litigation.

6 Plaintiffs object to the Request to the extent that the Request seeks documents
7 already in the custody or control of the Defendants.

8 Plaintiffs object to the phrase “constitutes a conclusion by an agency” to the extent
9 that such phrase is not defined, is vague and ambiguous and not relevant or determinative
10 to the Plaintiffs’ causes of action. Responding Plaintiffs interpret the phrase to mean
11 documents which contain information sufficient to support a reasonable belief that a call
12 transited by Avid Telecom was illegal.

13 Plaintiffs object to this Request as unduly burdensome and overly broad to the extent
14 that it seeks documents and information equally available to Defendants, including publicly
15 available documents and information, [https://www.fcc.gov/robocall-facilitators-must-](https://www.fcc.gov/robocall-facilitators-must-cease-and-desist)
16 [cease-and-desist](https://www.fcc.gov/robocall-facilitators-must-cease-and-desist) since, under Rule 26(b)(1), such information is obtainable from another
17 source that is more convenient, less burdensome, and/or less expensive. Plaintiffs will not
18 produce any documents because they are equally available to Defendants. *See, e.g.,*
19 Complaint (ECF No. 1) at ¶¶ 110–19, 125; FCC, *Robocall Facilitators Must Cease and*
20 *Desist*, <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist> and publicly filed
21 court documents.

22
23 **Document Request 46:**

24 Please produce all **Documents** that refer to or relate to the reason(s) why each **Lead**
25 **Plaintiff State** decided to participate in this Civil Action.

26 **Response:**

27 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
28 unduly burdensome.

1 Other than the documents and information Plaintiffs reviewed that informed the
2 factual allegations set forth in Plaintiffs' Complaint that support each cause of action,
3 Responding Plaintiffs object to the Request as the reason(s) why each responding Plaintiff
4 decided to participate in this Civil Action are not relevant to any claim or defense in this
5 matter or reasonably calculated to lead to the discovery of admissible evidence. The
6 responding Plaintiffs are withholding production of documents on the basis of these
7 objections.

8 Responding Plaintiffs further object to this Request on the basis that it is overly
9 broad and unduly burdensome and therefore not proportional to the needs of the case to the
10 extent it seeks every document reviewed by Plaintiffs up to the point when each made the
11 determination to participate without any limitation on the scope, subject matter, time
12 limitation, or relevance.

13 The responding Plaintiffs object to the Request as it seeks protected opinion work
14 product and information that is presumptively privileged on numerous grounds and
15 inherently protected by the deliberative process privilege, attorney-client privilege,
16 executive privilege, law enforcement privilege, as well as the joint prosecution, common
17 interest privilege and the attorney trial preparation, and attorney work product doctrines.
18 The thoughts and mental impressions of staff attorneys charged with investigating and
19 litigating cases regarding fraudulent or otherwise illegal call traffic constitute protected
20 opinion work-product. *Hickman v. Taylor*, 329 U.S. 495, 510 (1947). The deliberative
21 process privilege applies to information that is pre-decisional and assists an agency
22 decision maker in arriving at a decision on legal or policy matters. *F.T.C. v. Warner
23 Commc'ns Inc.*, 742 F.2d 1156, 1161 (9th Cir. 1984). The disclosure of documents that
24 refer or related to the reasons why each responding Plaintiffs decided to participate in this
25 Civil Action would necessarily reveal thoughts and mental impressions of the attorneys
26 conducting this litigation and pre-decisional information that assists agency decision
27 makers in arriving at a decision on legal matters.

1 Plaintiffs object to this Request to the extent that it requires the responding Plaintiffs
2 to marshal all of their available proof or the proof they intend to offer at trial.

3 Subject to and without waiving the Preliminary Statements, General Objections, and
4 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
5 and relevant responsive documents that have not been previously produced or filed with
6 the District Court and that can be located through a reasonable search of the documents in
7 their possession, custody, or control within a reasonable time following the entry of a
8 protective order.

9
10 **Document Request 47:**

11 Please produce **Documents** sufficient to identify the person(s) in each **Lead**
12 **Plaintiff State** who made the decision to participate in this Civil Action.

13 **Response:**

14 Responding Plaintiffs object to the Request as the identities of the Person(s)
15 involved in making the decision to participate in this Civil Action are not relevant to any
16 claim or defense in this matter or reasonably calculated to lead to the discovery of
17 admissible evidence. The responding Plaintiffs are withholding production of documents
18 on the basis of this objection.

19 The responding Plaintiffs further object to the Request to the extent it seeks
20 protected opinion work product and information that is presumptively privileged on
21 numerous grounds and inherently protected by the deliberative process privilege, attorney-
22 client privilege, executive privilege, law enforcement privilege, as well as the joint
23 prosecution, common interest privilege and the attorney trial preparation, and attorney
24 work product doctrines. The thoughts and mental impressions of staff attorneys charged
25 with investigating and litigating cases regarding fraudulent or otherwise illegal call traffic
26 constitute protected opinion work-product. *Hickman v. Taylor*, 329 U.S. 495, 510 (1947).
27 The deliberative process privilege applies to information that is pre-decisional and assists
28

1 an agency decision maker in arriving at a decision on legal or policy matters. *F.T.C. v.*
2 *Warner Commc'ns Inc.*, 742 F.2d 1156, 1161 (9th Cir. 1984).

3
4 **Document Request 48:**

5 Please produce all **Documents**, including without limitation, all press releases,
6 statements to the press or any third party, made by each **Lead Plaintiff State** about any
7 Defendant and/or this Civil Action.

8 **Response:**

9 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
10 broad and unduly burdensome.

11 Plaintiffs object to extent that “Lead Plaintiff State” is not limited to Persons acting
12 within the scope of the subject matter of this litigation.

13 Plaintiffs object to the Request as overly broad and unduly burdensome and
14 therefore not proportional to the needs of the case to the extent that the Request fails to
15 provide a temporal limitation, and therefore requests records outside the scope of this
16 litigation.

17 Plaintiffs object to this Request as overly broad and unduly burdensome, as well as
18 vague and ambiguous, to the extent that it seeks all press releases, statements to the press
19 and any third party without restricting the request to the scope of the subject matter of this
20 litigation.

21 Plaintiffs object to this Request as it calls for information that is not relevant to any
22 claim or defense in this matter or reasonably calculated to lead to the discovery of
23 admissible evidence.

24 The responding Plaintiffs object to the Request, to the extent it is seeking any non-
25 public records, as seeking information protected by the deliberative process privilege, joint
26 prosecution/common interest privilege, law enforcement privilege and the attorney trial
27 preparation and attorney work product doctrines.

1 Plaintiffs object to this Request as unduly burdensome and overly broad to the extent
2 that it seeks documents and information equally available to Defendants, including publicly
3 available documents and information, since, under Rule 26(b)(1), such information is
4 obtainable from another source that is more convenient, less burdensome, and/or less
5 expensive.

6 Subject to and without waiving the Preliminary Statements, General Objections, and
7 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
8 and relevant responsive documents that have not been previously produced or filed with
9 the District Court and that can be located through a reasonable search of the documents in
10 their possession, custody, or control.

11
12 **Document Request 49:**

13 Please produce all **Documents** that refer to or relate to the reason(s) why each **State**
14 **Law Action State** decided to participate in this Civil Action.

15 **Response:**

16 Plaintiffs object to the use of “all” as defined by Defendants as overly broad and
17 unduly burdensome.

18 Other than the documents and information Plaintiffs reviewed that informed the
19 factual allegations set forth in Plaintiffs’ Complaint that support each cause of action,
20 Responding Plaintiffs object to the Request as the reason(s) why each responding Plaintiff
21 decided to participate in this Civil Action are not relevant to any claim or defense in this
22 matter or reasonably calculated to lead to the discovery of admissible evidence. The
23 responding Plaintiffs are withholding production of documents on the basis of this
24 objection.

25 The responding Plaintiffs further object to this Request on the basis that it is overly
26 broad and unduly burdensome and therefore not proportional to the needs of the case to the
27 extent it seeks every document reviewed by Plaintiffs up to the point when the
28

1 determination to participate was made without any limitation on the scope, subject matter,
2 time limitation, or relevance.

3 Responding Plaintiffs object to the Request to the extent that it seeks protected
4 opinion work product and information that is presumptively privileged on numerous
5 grounds and inherently protected by the deliberative process privilege, attorney-client
6 privilege, executive privilege, law enforcement privilege, as well as the joint prosecution,
7 common interest privilege and the attorney trial preparation, and attorney work product
8 doctrines. The thoughts and mental impressions of staff attorneys charged with
9 investigating and litigating cases regarding fraudulent or otherwise illegal call traffic
10 constitute protected opinion work-product. *Hickman v. Taylor*, 329 U.S. 495, 510 (1947).
11 The deliberative process privilege applies to information that is pre-decisional and assists
12 an agency decision maker in arriving at a decision on legal or policy matters. *F.T.C. v.*
13 *Warner Commc'ns Inc.*, 742 F.2d 1156, 1161 (9th Cir. 1984). The disclosure of documents
14 that refer or relate to the reasons why each responding Plaintiff decided to participate in
15 this Civil Action would necessarily reveal thoughts and mental impressions of the attorneys
16 conducting this litigation and pre-decisional information that assists agency decision
17 makers in arriving at a decision on legal matters.

18 Plaintiffs object to this Request to the extent that it requires the responding Plaintiffs
19 to marshal all of their available proof or the proof they intend to offer at trial.

20 Subject to and without waiving the Preliminary Statements, General Objections, and
21 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
22 and relevant responsive documents that have not been previously produced or filed with
23 the District Court and that can be located through a reasonable search of the documents in
24 their possession, custody, or control within a reasonable time following the entry of a
25 protective order.

1 **Document Request 50:**

2 Please produce **Documents** sufficient to identify the person(s) in each **State Law**
3 **Action State** who made the decision to participate in this Civil Action.

4 **Response:**

5 Responding Plaintiffs object to the Request as the identities of the Person(s)
6 involved in making the decision to participate in this Civil Action are not relevant to any
7 claim or defense in this matter or reasonably calculated to lead to the discovery of
8 admissible evidence. The responding Plaintiffs are withholding production of documents
9 on the basis of this objection.

10 The responding Plaintiffs object to the Request to the extent that it seeks protected
11 opinion work product and information that is presumptively privileged on numerous
12 grounds and inherently protected by the deliberative process privilege, attorney-client
13 privilege, executive privilege, law enforcement privilege, as well as the joint prosecution,
14 common interest privilege and the attorney trial preparation, and attorney work product
15 doctrines. The thoughts and mental impressions of staff attorneys charged with
16 investigating and litigating cases regarding fraudulent or otherwise illegal call traffic
17 constitute protected opinion work-product. *Hickman v. Taylor*, 329 U.S. 495, 510 (1947).
18 The deliberative process privilege applies to information that is pre-decisional and assists
19 an agency decision maker in arriving at a decision on legal or policy matters. *F.T.C. v.*
20 *Warner Commc'ns Inc.*, 742 F.2d 1156, 1161 (9th Cir. 1984).

21
22 **Document Request 51:**

23 Please produce all **Documents**, including without limitation, all press releases,
24 statements to the press or any third party, made by each **State Law Action State** about any
25 Defendant and/or this Civil Action.

26 **Response:**

27 Plaintiffs object to the use of “all” and “any” as defined by Defendants as overly
28 broad and unduly burdensome.

1 Plaintiffs object to extent that “State Law Action State” is not limited to Persons
2 acting within the scope of the subject matter of this litigation.

3 Plaintiffs object to the Request as overly broad and unduly burdensome and
4 therefore not proportional to the needs of the case to the extent that the Request fails to
5 provide a temporal limitation, therefore requests records outside the scope of this litigation.

6 Plaintiffs object to this Request as overly broad and unduly burdensome, as well as
7 vague and ambiguous, to the extent that it seeks all press releases, statements to the press
8 and any third party without restricting the request to the scope of the subject matter of this
9 litigation.

10 Plaintiffs object to this Request as it calls for information that is not relevant to any
11 claim or defense in this matter or reasonably calculated to lead to the discovery of
12 admissible evidence.

13 The responding Plaintiffs object to the Request, to the extent it is seeking any non-
14 public records, as seeking information protected by the deliberative process privilege, joint
15 prosecution/common interest privilege, law enforcement privilege and the attorney trial
16 preparation and attorney work product doctrines.

17 Plaintiffs object to this Request as unduly burdensome and overly broad to the extent
18 that it seeks documents and information equally available to Defendants, including publicly
19 available documents and information, since, under Rule 26(b)(1), such information is
20 obtainable from another source that is more convenient, less burdensome, and/or less
21 expensive.

22 Subject to and without waiving the Preliminary Statements, General Objections, and
23 specific objections, the responding Plaintiffs will produce non-privileged, non-duplicative,
24 and relevant responsive documents that have not been previously produced or filed with
25 the District Court and that can be located through a reasonable search of the documents in
26 their possession, custody, or control.

1 **Document Request 52:**

2 Please produce all **Documents** utilized by the **Lead Plaintiff States** to calculate the
3 damages calculate the damages forth in the **Complaint** arising out of federal law.

4 **Response:**

5 Plaintiffs have no responsive documents as there are no damage calculations set
6 forth in Plaintiffs' Complaint.

7
8 **Document Request 53:**

9 Please produce all **Documents** utilized by the **State Law Action State** to calculate
10 the damages set forth in the **Complaint** arising out of state law.

11 **Response:**

12 Plaintiffs have no responsive documents as there are no damage calculations set
13 forth in Plaintiffs' Complaint.

RESPECTFULLY SUBMITTED this 7th day of February 2025.

FOR THE STATE OF ARIZONA:

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